

## Exhibit 2

NATALIE REESER v HENRY FORD HOSPITAL  
DEPOSITION OF FIONA BORK

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATALIE REESER,

Plaintiff,

v

Case No. 2:14-cv-11916-GCS-MJH  
Hon. George Caram Steeh

HENRY FORD HOSPITAL,

Defendant.

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DEPOSITION OF FIONA BORK

Taken by the Plaintiff on the 16th day of March,  
2015, at the office of Keith D. Flynn, 600 W. Lafayette  
Blvd., Detroit, Michigan at 11:00 a.m.

APPEARANCES:

For the Plaintiff: MR. KEITH D. FLYNN (P74192)  
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For the Defendant: MR. TERRANCE J. MIGLIO (P30541)  
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Reported by: TAMARA A. O'CONNOR  
CSMR 2656, CER 2656

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<p style="text-align: right;">Page 21</p> <p>1 because I was a Regional Sales Manager as well 2 during that time. 3 I started off as a rep, and then District 4 Sales Manager and then Regional Sales Manager, and 5 then District Sales Manager, and then Account 6 Executive. 7 For a short term I was a specialty sales 8 rep, and Quest at the time tried vertical markets, 9 but there weren't enough prospects. 10 So I moved to an Account Executive, which 11 would allow me to call on various types of 12 specialties instead of just one. 13 <b>Q So how else were your other positions with Quest 14 different than the Account Executive position?</b> 15 A Well, if I was in an Account Executive position, I 16 was 100% selling. As a Regional Sales Manager and 17 District Sales Manager I managed sales reps. 18 Then when I started with the organization, 19 it was a Sales Service Rep, so you protected a base 20 of business and tried to grow that business 21 organically. 22 <b>Q So you had managerial functions in the positions 23 that you came from and moved into the Account 24 Executive position?</b> 25 A Correct.</p>	<p style="text-align: right;">Page 23</p> <p>1 A No. On the job training. 2 <b>Q Have you ever been certified?</b> 3 A For phlebotomy? 4 <b>Q Uh-huh.</b> 5 A No. 6 <b>Q So in your--could you describe what your current 7 position entails?</b> 8 A I manage two sales reps, six couriers and 30 9 phlebotomists. My job is to develop strategies to 10 grow our business, and-- 11 <b>Q How many couriers, did you say?</b> 12 A Six, soon to be seven. 13 <b>Q What is a courier?</b> 14 A Courier is--they go to our medical facilities, pick 15 up lab specimens and return them back to the lab. 16 They are also trained to troubleshoot printers that 17 we have on-sites, and they deliver supplies to the 18 physician offices. 19 <b>Q Okay. So do you do any--so your primary task is 20 managing this team. Correct?</b> 21 A Well, you use the word "primary," but I have to not 22 only grow the business, but I have to manage the 23 team. 24 <b>Q And what does managing the team entail? What kinds 25 of decisions are you responsible for?</b></p>
<p style="text-align: right;">Page 22</p> <p>1 <b>Q Were those earlier positions a little bit closer to 2 what you're currently doing?</b> 3 A Yes. Well, no. In terms of managing, managing 4 people, yes, but I was managing sales reps. 5 <b>Q Okay. What led you to leave Quest to go to Henry 6 Ford?</b> 7 A Well, I was recruited by a physician that I had met 8 20 years prior that wanted to start an Outreach 9 program with Henry Ford, and I loved the idea of 10 starting something new from ground zero. 11 So I was very interested in doing that, 12 and I felt that--I mean, I had really done 13 everything I had wanted to do with Quest. 14 <b>Q Any other positions that are relevant to what you 15 are currently doing that you held prior to Quest?</b> 16 MR. MIGLIO: Object to the form of the 17 question, but go ahead. You can answer. 18 THE WITNESS: I was a phlebotomist when I 19 was going to school. 20 <b>Q (By Mr. Flynn) When were you a phlebotomist?</b> 21 A I started off as a phlebotomist as a senior in high 22 school in a Health Occupations class, and worked as 23 a phlebotomist in a laboratory for many years while 24 going to college. 25 <b>Q Were you certified?</b></p>	<p style="text-align: right;">Page 24</p> <p>1 A Hiring, training, if there is disciplinary action, 2 annual reviews, mid-year reviews, day-to-day 3 operational questions. 4 If they run into situations they are not 5 sure how to handle, they contact me. Approving 6 expenditures if a van breaks down, or if we need to 7 order something specific for a site. 8 <b>Q So could you take me through like a typical day's 9 work in your current position?</b> 10 A Well, I would tell you "typical" is not a word I 11 would use for any of the days, because it's not the 12 same every day. I could get a call from an employee 13 that can't come into work, an employee that is going 14 to be late for work. 15 I could get a call from an angry physician 16 about lab work. I could get a call from a patient 17 about a bad experience. I could get a call from the 18 hospital regarding a system that is down. 19 I could get a call from Client Service 20 that they are looking for a specimen that was 21 delivered and can't find at the time. I could be 22 preparing for calling on a prospect to sell new 23 business. 24 I could be going to different sites that 25 are currently operated by the Wyandotte facility or</p>

9 (Pages 21 to 24)

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<p style="text-align: right;">Page 29</p> <p>1 MR. FLYNN: Okay.</p> <p>2 <b>Q (By Mr. Flynn) What were you going to say, ma'am?</b></p> <p>3 A If I go on vacation and I have to--</p> <p>4 <b>Q What other--</b></p> <p>5 A I have to put somebody in charge in my absence.</p> <p>6 <b>Q Any other situation where you have communicated to</b></p> <p>7 <b>employees who you manage that they are to reach out</b></p> <p>8 <b>to someone else, other than yourself?</b></p> <p>9 A No, not for approval. No.</p> <p>10 REPORTER: Not for--</p> <p>11 THE WITNESS: Any approval.</p> <p>12 REPORTER: Approval.</p> <p>13 THE WITNESS: If it requires approval.</p> <p>14 <b>Q (By Mr. Flynn) And what requires approval?</b></p> <p>15 A Stepping outside of policy, if you are not going to</p> <p>16 follow policy.</p> <p>17 <b>Q What else?</b></p> <p>18 A I think that covers it.</p> <p>19 <b>Q Okay, so only for stepping outside of policy?</b></p> <p>20 A If you're not going to follow policy, if you need to</p> <p>21 leave, then you have to contact me. If you are</p> <p>22 going to be late you have to contact me.</p> <p>23 <b>Q Anything else?</b></p> <p>24 A Not that I can think of right now.</p> <p>25 <b>Q How often are you in meetings in a given week?</b></p>	<p style="text-align: right;">Page 31</p> <p>1 <b>be issued for some change, who would be there to</b></p> <p>2 <b>handle those requests?</b></p> <p>3 A I am. My phone is on 24/7.</p> <p>4 <b>Q Who is your supervisor?</b></p> <p>5 A John Waugh, W-A-U-G-H.</p> <p>6 <b>Q And what is his position?</b></p> <p>7 A He is the Vice President of Laboratory Systems.</p> <p>8 <b>Q And back up a second. You also said that you had</b></p> <p>9 <b>meetings with potential new clients?</b></p> <p>10 A Correct.</p> <p>11 <b>Q In a typical week, how many hours would you spend at</b></p> <p>12 <b>those kinds of meetings?</b></p> <p>13 A Some weeks I don't have any. Other weeks I might</p> <p>14 have three.</p> <p>15 <b>Q And these meetings would last an hour, two hours?</b></p> <p>16 A It all depends on how much time the physician has.</p> <p>17 <b>Q But again, your cell phone is always on, so if--</b></p> <p>18 A Always on.</p> <p>19 <b>Q So if there was an issue, you would be aware of it?</b></p> <p>20 A Yes, if they call me.</p> <p>21 <b>Q What about E-mails? What if you received an E-mail?</b></p> <p>22 A I may not know about it. That's why I always have</p> <p>23 everyone call me if there is an urgent issue.</p> <p>24 <b>Q Have you ever been disciplined in your current</b></p> <p>25 <b>position?</b></p>
<p style="text-align: right;">Page 30</p> <p>1 A Henry Ford meetings, management meetings, or with</p> <p>2 clients, or--</p> <p>3 <b>Q Well, let's break it down. So first Henry Ford</b></p> <p>4 <b>meetings?</b></p> <p>5 A Well, I have an 8:00 o'clock Monday meeting, and</p> <p>6 then every day we have a defect call.</p> <p>7 REPORTER: I'm sorry?</p> <p>8 THE WITNESS: Defect. That can last ten</p> <p>9 minutes to 45 minutes. Once a month on Wednesdays</p> <p>10 from 7:00 to 9:00.</p> <p>11 <b>Q (By Mr. Flynn) What is that meeting?</b></p> <p>12 A That is a leadership meeting.</p> <p>13 <b>Q When are the defect calls?</b></p> <p>14 A They are at 11:00 o'clock. 10:00 o'clock on Monday,</p> <p>15 11:00 o'clock, Tuesday, Wednesday, Thursday, and</p> <p>16 noon on Friday.</p> <p>17 REPORTER: None on Friday?</p> <p>18 THE WITNESS: Noon on Friday.</p> <p>19 <b>Q (By Mr. Flynn) Any other meetings for Henry Ford?</b></p> <p>20 A If I have a new employee, then I will be in</p> <p>21 orientation with them for three hours.</p> <p>22 <b>Q And is there any specific time that you schedule</b></p> <p>23 <b>those?</b></p> <p>24 A Usually from 12:00 to 3:00 typically.</p> <p>25 <b>Q And if an emergency came up where approval needed to</b></p>	<p style="text-align: right;">Page 32</p> <p>1 A No.</p> <p>2 <b>Q And have you been subject to any form of</b></p> <p>3 <b>investigation?</b></p> <p>4 A What do you mean?</p> <p>5 <b>Q For instance, Human Resources, have they ever</b></p> <p>6 <b>conducted an investigation about any decision that</b></p> <p>7 <b>you made?</b></p> <p>8 A No, at least not that I'm aware of.</p> <p>9 <b>Q Let's go through the hierarchy a little bit.</b></p> <p>10 <b>Outreach Services, what is the Outreach Services?</b></p> <p>11 A Henry Ford used to be a closed system, so the only</p> <p>12 patients that could be referred to any kind of Henry</p> <p>13 Ford facility would have to be a physician that was</p> <p>14 part of the Henry Ford Medical Group.</p> <p>15 So if you had an order for lab work and it</p> <p>16 was written by a physician that was not part of the</p> <p>17 Henry Ford Medical Group, you would be turned away.</p> <p>18 So I was asked to come over to start the</p> <p>19 Outreach Program, which means we would call on</p> <p>20 private physician practices and try to earn the</p> <p>21 right to ask for their business so that they would</p> <p>22 send the lab work to Henry Ford.</p> <p>23 <b>Q And you manage several clinics as part of that?</b></p> <p>24 A We have two patient service centers.</p> <p>25 <b>Q Where are those?</b></p>

11 (Pages 29 to 32)

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<p style="text-align: right;">Page 33</p> <p>1 A Shelby Township and Clinton Township.</p> <p>2 <b>Q Any others?</b></p> <p>3 A We now have one in Warren.</p> <p>4 <b>Q When did you open that up?</b></p> <p>5 A Almost--I would say almost two years ago, and we</p> <p>6 just opened another one in West Bloomfield in</p> <p>7 February, but they are set up a little bit different</p> <p>8 than Shelby and Clinton Township.</p> <p>9 <b>Q How so?</b></p> <p>10 A The West Bloomfield one and Warren one, we rent</p> <p>11 space within a physician office. The Clinton</p> <p>12 Township and Shelby Township, we have our own suite.</p> <p>13 <b>Q Is there anyone there who directly supervises the</b></p> <p>14 <b>employees at that facility?</b></p> <p>15 A No.</p> <p>16 <b>Q So everyone goes to you?</b></p> <p>17 A Correct.</p> <p>18 <b>Q Who is Martha Wisheart?</b></p> <p>19 A She is my counterpart on the Operations side.</p> <p>20 <b>Q What is the Operations side?</b></p> <p>21 A Well, the operations. She handles Pathology,</p> <p>22 Informatics, Customer Service, anything that is I.T.</p> <p>23 related or internal lab related. She also handles</p> <p>24 our readiness for inspections.</p> <p>25 <b>Q And where is she located out of?</b></p>	<p style="text-align: right;">Page 35</p> <p>1 <b>Q What is a Laboratory Service Representative Outreach</b></p> <p>2 <b>employee?</b></p> <p>3 A That is a phlebotomist.</p> <p>4 <b>Q And can you describe what their function is?</b></p> <p>5 A They draw blood. They register patients. They</p> <p>6 process samples. They train other employees. They</p> <p>7 provide customer service for--if they are in a</p> <p>8 physician office, the physician may come to them and</p> <p>9 ask them what a specimen requirement is.</p> <p>10 They may come to them with a billing</p> <p>11 question. They may register patients, process</p> <p>12 specimens. They are customer service. They are--</p> <p>13 If there is a question about the portal</p> <p>14 that we use for orders and results, they are trained</p> <p>15 to be able to answer those questions if they are in</p> <p>16 a client office.</p> <p>17 They have to have an understanding of</p> <p>18 billing and diagnosis codes. They have to know what</p> <p>19 is mandatory on the requisition that is submitted to</p> <p>20 the lab for testing.</p> <p>21 They are to confirm patient information,</p> <p>22 their address, their demographic information,</p> <p>23 insurance information on every visit. They train</p> <p>24 co-workers, new employees.</p> <p>25 <b>Q Do they ever--is there ever a need for them to act</b></p>
<p style="text-align: right;">Page 34</p> <p>1 A She moves around like I do, but she might be at</p> <p>2 Clinton Township. She might be downtown. I don't</p> <p>3 always know. I mean, I don't follow her schedule,</p> <p>4 so--</p> <p>5 <b>Q Does she supervise anyone?</b></p> <p>6 A She does, Client Service, Pathology, Informatics.</p> <p>7 <b>Q So you don't report to her?</b></p> <p>8 A No.</p> <p>9 <b>Q Who is Jill Hood?</b></p> <p>10 A She is the Senior Business Partner of Human</p> <p>11 Resources.</p> <p>12 <b>Q And what does she do?</b></p> <p>13 A I don't know what her job entails. I don't know</p> <p>14 everything that she does, but if I have a</p> <p>15 disciplinary issue or an issue that has come up with</p> <p>16 an employee, I contact her, so--</p> <p>17 <b>Q Okay. Do you contact her every single time?</b></p> <p>18 A Yes.</p> <p>19 <b>Q For even like mundane disciplines, written, verbal</b></p> <p>20 <b>warnings, for instance, you would contact her?</b></p> <p>21 A Yeah, any kind of disciplinary action.</p> <p>22 <b>Q Is she your supervisor?</b></p> <p>23 A No.</p> <p>24 <b>Q Does she supervise anyone?</b></p> <p>25 A I don't know.</p>	<p style="text-align: right;">Page 36</p> <p>1 <b>almost like a courier and take samples from their</b></p> <p>2 <b>location elsewhere?</b></p> <p>3 A They could. It's very rare that happens. I can</p> <p>4 only think of a couple of times where that happened.</p> <p>5 One phlebotomist did a home draw and brought the</p> <p>6 specimen back, so in essence she is transporting a</p> <p>7 specimen, so--but very rare.</p> <p>8 <b>Q So there is not really a need to have them travel</b></p> <p>9 <b>around a whole lot. They mostly stay in their</b></p> <p>10 <b>facility?</b></p> <p>11 A No. No, no. That's not what you asked me. When</p> <p>12 they are hired, part of the requirement of being</p> <p>13 hired is that they are flexible and able to travel</p> <p>14 to different sites.</p> <p>15 <b>Q How often do phlebotomists get called upon to move</b></p> <p>16 <b>to different sites?</b></p> <p>17 A It depends.</p> <p>18 <b>Q On what?</b></p> <p>19 A If they are hired as a floater, then they are</p> <p>20 travelling all the time. It's a floating position.</p> <p>21 If they are an east sider, they are required to be</p> <p>22 able to travel to any of our east side sites.</p> <p>23 If they are a west sider, they have to be</p> <p>24 able to travel to any of our west side sites. So</p> <p>25 everybody knows when they are hired, if there is a</p>

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<p style="text-align: right;">Page 37</p> <p>1 shortage, if I am short-staffed, that they are going</p> <p>2 to be required to go to another site.</p> <p>3 <b>Q You mentioned two other sites. Maybe I'm confused.</b></p> <p>4 <b>You said Shelby Township and Clinton Township, and</b></p> <p>5 <b>there is also Warren that you mentioned?</b></p> <p>6 A Uh-huh.</p> <p>7 <b>Q West Bloomfield just opened in February?</b></p> <p>8 A Uh-huh.</p> <p>9 REPORTER: Yes?</p> <p>10 THE WITNESS: Yes. Sorry.</p> <p>11 <b>Q (By Mr. Flynn) Are there any other sites but those</b></p> <p>12 <b>four that they would be asked to go to?</b></p> <p>13 A Yes.</p> <p>14 <b>Q Okay. Well, what is the difference between those</b></p> <p>15 <b>other sites and the ones that you listed earlier?</b></p> <p>16 A They are--the other sites are physician offices</p> <p>17 where we provide phlebotomy service.</p> <p>18 <b>Q So these aren't facilities that are owned by Henry</b></p> <p>19 <b>Ford. They are just doctors' offices?</b></p> <p>20 A Correct.</p> <p>21 <b>Q So how many total are there?</b></p> <p>22 MR. MIGLIO: Physician offices?</p> <p>23 THE WITNESS: That we--</p> <p>24 <b>Q (By Mr. Flynn) Total number of offices or</b></p> <p>25 <b>facilities that Henry Ford would have to operate in?</b></p>	<p style="text-align: right;">Page 39</p> <p>1 A No.</p> <p>2 <b>Q So as far as you are aware, this is correct to the</b></p> <p>3 <b>best of your knowledge, what a phlebotomist would be</b></p> <p>4 <b>expected to do as part of their job. Correct?</b></p> <p>5 A Correct.</p> <p>6 <b>Q Could you read through it real quick and let me know</b></p> <p>7 <b>if you see anything that you disagree with?</b></p> <p>8 A The principal duties and responsibilities?</p> <p>9 MR. MIGLIO: Through the whole thing.</p> <p>10 THE WITNESS: Oh, through the entire</p> <p>11 thing?</p> <p>12 <b>Q (By Mr. Flynn) The whole thing, yeah.</b></p> <p>13 A You want me to read it.</p> <p>14 MR. MIGLIO: Yes.</p> <p>15 THE WITNESS: Okay. "Functions with a</p> <p>16 high..."--</p> <p>17 MR. MIGLIO: No, not out loud. He wants</p> <p>18 you to read it to yourself.</p> <p>19 THE WITNESS: Oh, I'm sorry. That's why I</p> <p>20 was confused. Okay.</p> <p>21 MR. MIGLIO: Do you understand what he is</p> <p>22 asking you?</p> <p>23 THE WITNESS: You are asking me to read</p> <p>24 this entire document and let you know if I don't</p> <p>25 agree with something.</p>
<p style="text-align: right;">Page 38</p> <p>1 A Let's say there's ten right now. I would have to</p> <p>2 look at the schedule to count all of them.</p> <p>3 <b>Q Does that ten number include the four that you</b></p> <p>4 <b>listed earlier?</b></p> <p>5 A No.</p> <p>6 <b>Q Let me mark an exhibit.</b></p> <p>7 (At 12:02 p.m., Plaintiff's</p> <p>8 Deposition Exhibit 1 marked)</p> <p>9 <b>Q (By Mr. Flynn) You have got a document that has</b></p> <p>10 <b>been marked Plaintiff's Exhibit 1 in front of you.</b></p> <p>11 <b>Do you see that?</b></p> <p>12 A Yes.</p> <p>13 <b>Q Just quickly, what does this appear to be?</b></p> <p>14 A It's the job description for the Lab Service</p> <p>15 Representative, Outreach.</p> <p>16 REPORTER: Job description?</p> <p>17 THE WITNESS: Job description of the Lab</p> <p>18 Service Representative, Outreach Phlebotomist.</p> <p>19 <b>Q (By Mr. Flynn) So you have reviewed this document</b></p> <p>20 <b>before?</b></p> <p>21 A Uh-huh. Yes.</p> <p>22 <b>Q And it says at the bottom, "Revision date, December</b></p> <p>23 <b>28, 2012." Do you see that?</b></p> <p>24 A I do.</p> <p>25 <b>Q Has it been revised since then?</b></p>	<p style="text-align: right;">Page 40</p> <p>1 <b>Q (By Mr. Flynn) Read the entire--correct.</b></p> <p>2 A (Witness complied). Okay.</p> <p>3 <b>Q Do you see anything in there that you disagree with?</b></p> <p>4 A No.</p> <p>5 <b>Q Okay. You can put that to the side for now.</b></p> <p>6 A Okay.</p> <p>7 <b>Q Does Henry Ford maintain any written work place</b></p> <p>8 <b>policies?</b></p> <p>9 A Written?</p> <p>10 <b>Q Yeah.</b></p> <p>11 A Yes.</p> <p>12 <b>Q Okay. So how are the work place policies organized?</b></p> <p>13 MR. MIGLIO: Object to the form of the</p> <p>14 question. I don't understand what it means, but if</p> <p>15 you do, go ahead and answer.</p> <p>16 THE WITNESS: I don't.</p> <p>17 <b>Q (By Mr. Flynn) Well, okay. Is there--are there</b></p> <p>18 <b>levels of policies? Is there like a system-wide set</b></p> <p>19 <b>of policies, versus specific policies, for instance,</b></p> <p>20 <b>for Outreach?</b></p> <p>21 A There are system-wide policies that we follow, but</p> <p>22 within those policies you can customize like your</p> <p>23 call-in policy based on the type of work that you</p> <p>24 are doing.</p> <p>25 So there is a system-side policy for most</p>

13 (Pages 37 to 40)



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<p>1 Bank or any of those. They would report to John as</p> <p>2 well.</p> <p>3 <b>Q (By Mr. Flynn) Anything else you can think of?</b></p> <p>4 A That would report to John?</p> <p>5 <b>Q Yes, directly.</b></p> <p>6 A I mean, it would just be department managers that I</p> <p>7 am aware of.</p> <p>8 <b>Q How many departments, I guess is what I'm asking.</b></p> <p>9 A I really don't know. I mean, there are several.</p> <p>10 There is the lab, like I said, Cytology Manager,</p> <p>11 Blood Bank Manager. I think there is someone from</p> <p>12 Pathology, Informatics somewhere in that department</p> <p>13 that reports to him, but I don't have the org. chart</p> <p>14 with me.</p> <p>15 I mean, if you have it, I could tell you</p> <p>16 who reports to him, but I don't know all of his</p> <p>17 reports.</p> <p>18 <b>Q You mentioned Smith who is the Lab Manager. What</b></p> <p>19 <b>does that entail?</b></p> <p>20 A Well, I know that she has--the person that is in</p> <p>21 charge of processing reports to her. I know she has</p> <p>22 something to do with some of the micro and CBCs,</p> <p>23 with Urine micro and CBCs, but to be honest with</p> <p>24 you, I couldn't tell you what her role is in all</p> <p>25 that, but I know she talks about it on the defect</p>	<p>1 A Yes.</p> <p>2 <b>Q So employees who are in the laboratories, they have</b></p> <p>3 <b>to answer to the supervisors. Correct?</b></p> <p>4 A To their supervisor.</p> <p>5 <b>Q So it's their specific supervisor?</b></p> <p>6 A Their specific supervisor.</p> <p>7 <b>Q What if supervisors give different instructions?</b></p> <p>8 A I don't know what you mean.</p> <p>9 MR. MIGLIO: I'll object to the form of</p> <p>10 the question.</p> <p>11 <b>Q (By Mr. Flynn) So let's say that you had two</b></p> <p>12 <b>department managers who gave different instructions</b></p> <p>13 <b>to the same employee.</b></p> <p>14 MR. MIGLIO: Same objection. What is the</p> <p>15 question?</p> <p>16 THE WITNESS: I don't--yeah, I don't know</p> <p>17 what you're asking.</p> <p>18 <b>Q (By Mr. Flynn) What would the employee be expected</b></p> <p>19 <b>to do, would the employee be expected to follow?</b></p> <p>20 A Nobody has two managers, so they would be expected</p> <p>21 to follow their manager's directions.</p> <p>22 <b>Q Vice versa. Their manager would be the only one who</b></p> <p>23 <b>could discipline or discharge?</b></p> <p>24 A Correct.</p> <p>25 <b>Q Now these sites that you listed earlier, you said</b></p>
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<p>1 calls.</p> <p>2 <b>Q And so would you refer to yourself as a Department</b></p> <p>3 <b>Manager, Department Supervisor?</b></p> <p>4 A Yeah, Manager.</p> <p>5 <b>Q So all the Department Managers are supervisory.</b></p> <p>6 <b>Correct?</b></p> <p>7 A As far as I know, they are all managers.</p> <p>8 <b>Q So any employee of Henry Ford is--if you're an</b></p> <p>9 <b>employee of Henry Ford, the Outreach Division, you</b></p> <p>10 <b>answer--</b></p> <p>11 A Well, they are not part of Outreach. The managers</p> <p>12 you were just asking about, they are not in</p> <p>13 Outreach. They are a part of Henry Ford Hospital.</p> <p>14 <b>Q What is John's position then in relation to</b></p> <p>15 <b>Outreach?</b></p> <p>16 A He is in charge--well, he is my direct manager, and</p> <p>17 he is the Vice President of Lab Operations, so it's</p> <p>18 a service line. So there are Wyandotte employees in</p> <p>19 the lab that report to him.</p> <p>20 There is Clinton Township employees that</p> <p>21 report to him. There is West Bloomfield lab</p> <p>22 positions that report to him as well.</p> <p>23 <b>Q Can you think of--so these individuals who are</b></p> <p>24 <b>department managers, they are supervisors, as you</b></p> <p>25 <b>mentioned earlier?</b></p>	<p>1 <b>Shelby Township, Clinton Township, Warren and West</b></p> <p>2 <b>Bloomfield. How many employees staff each of those?</b></p> <p>3 A Shelby Township, it could be anywhere from four to</p> <p>4 seven. Shelby Township is our busiest site.</p> <p>5 Clinton Township is the slowest site, and we have</p> <p>6 one.</p> <p>7 <b>Q By "employee," are you referring to phlebotomists?</b></p> <p>8 A Yes. West Bloomfield we have two to possibly three,</p> <p>9 and Warren we have one.</p> <p>10 <b>Q So Warren is equally not as busy as Shelby?</b></p> <p>11 A No. That's not true.</p> <p>12 <b>Q Oh. Well, explain that comment.</b></p> <p>13 A The Warren site is very busy, but not to the point</p> <p>14 where I need to put a second person in.</p> <p>15 <b>Q But Shelby is the most staffed?</b></p> <p>16 A Correct, and by far the busiest.</p> <p>17 <b>Q Where do the floaters report to?</b></p> <p>18 A They are given a schedule.</p> <p>19 <b>Q Okay, and what location would they be scheduled to?</b></p> <p>20 A It depends. They could go to a nursing home. They</p> <p>21 could go to one of the sites. They could go to a</p> <p>22 physician's office. It just depends on where the</p> <p>23 need is.</p> <p>24 <b>Q So they are just all around?</b></p> <p>25 A Correct.</p>

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<p style="text-align: right;">Page 49</p> <p>1 <b>Q And how many floaters are there?</b>  2 A Three.  3 <b>Q Has that ever changed? Has there ever been</b>  4 <b>substantially more or substantially less than three?</b>  5 A There is more that travel. The three that were  6 hired were hired as floaters, but there are other  7 employees that travel to many sites, based on a  8 need.  9 <b>Q What do you mean by that?</b>  10 A If I have a shortage, then they go to another site.  11 That's why when everyone is hired, they are told--no  12 one is given a site. They are all told that they  13 could work at any of our sites.  14 <b>Q So you are kind of indicating to me today that all</b>  15 <b>30 of them are kind of like floaters?</b>  16 A They all could, yes.  17 <b>Q How many typically do float?</b>  18 A I would say half of them.  19 <b>Q So about 15 of them move around?</b>  20 A Yeah, go to different sites. Yeah.  21 <b>Q And how do you determine who moves around?</b>  22 MR. MIGLIO: You mean as a floater or  23 what?  24 MR. FLYNN: No, any kind of movement, any  25 kind of transfer from facility to facility.</p>	<p style="text-align: right;">Page 51</p> <p>1 question.  2 THE WITNESS: I would look at the schedule  3 and I would see where I could pull somebody from,  4 and if I can pull somebody from Shelby because I've  5 got--to cover a site, then I will do that.  6 If I have to call somebody that was  7 scheduled to work later in the day, I'll call them  8 and ask them to come in earlier so I can move people  9 around.  10 It's a puzzle, because I can never leave a  11 site without a phlebotomist. We're obligated to  12 provide phlebotomy coverage at all times. So  13 sometimes I have to move four people because one  14 person called in.  15 <b>Q (By Mr. Flynn) Do you mean--okay. Who are you</b>  16 <b>required to provide phlebotomy services to?</b>  17 A All of our sites.  18 <b>Q Even the four you mentioned earlier?</b>  19 A Absolutely.  20 <b>Q Okay, but those four are run by Henry Ford?</b>  21 A No.  22 <b>Q Okay. So now I'm getting confused again.</b>  23 A Okay.  24 <b>Q Henry Ford runs those sites?</b>  25 A No. We do. Henry Ford Medical Laboratories does.</p>
<p style="text-align: right;">Page 50</p> <p>1 MR. MIGLIO: So the question is how does  2 she determine which phlebotomist--  3 <b>Q (By Mr. Flynn) So you have a question about the</b>  4 <b>question, ma'am?</b>  5 A Well, I do, because I'm not sure what you meant by  6 that.  7 <b>Q Okay. How many would be expected--how would you</b>  8 <b>determine who to take out of a facility to move</b>  9 <b>someplace where you need an additional staff?</b>  10 MR. MIGLIO: I'll object to the form of  11 the question, but go ahead and answer it.  12 THE WITNESS: 100% of them. They all are  13 required to be able to rotate and work at any site.  14 <b>Q (By Mr. Flynn) Well, I'm not saying what you</b>  15 <b>require them to do. I'm saying how would you</b>  16 <b>determine--how would you pick between phlebotomists</b>  17 <b>to move to a different facility?</b>  18 A They are all trained to work, to be able to go to  19 any facility, so--  20 <b>Q But you have got to call somebody and say, "Okay."</b>  21 A I do.  22 <b>Q "I've got an empty position that needs to be filled.</b>  23 <b>I need you to go fill it." How would you determine</b>  24 <b>the person to call?</b>  25 MR. MIGLIO: Object to the form of the</p>	<p style="text-align: right;">Page 52</p> <p>1 <b>Q Okay, but you're a division of Henry Ford. So when</b>  2 <b>I'm saying Henry Ford, I'm saying--</b>  3 A Oh, okay. All right. I get what you're saying now,  4 that they are not physician sites. They're not  5 physician offices.  6 <b>Q Correct.</b>  7 A That's what you're saying.  8 <b>Q Correct.</b>  9 A Okay.  10 <b>Q So those sites are still Henry Ford sites, so</b>  11 <b>perhaps you--is there any contractual requirement</b>  12 <b>that you fully staff those sites necessarily?</b>  13 MR. MIGLIO: Objection as to the form of  14 the question. Go ahead and answer if you can  15 understand what he is asking.  16 THE WITNESS: Well, are you--tell me what  17 you mean by "contractually obligated."  18 <b>Q (By Mr. Flynn) Well, what obligates you to fully</b>  19 <b>staff the other--what obligates you to fully staff</b>  20 <b>the locations?</b>  21 A We have in each location, the sites that are not  22 within a physician office, we are in a medical  23 building, and we support the physicians in that  24 building.  25 So instead of putting a phlebotomist in</p>

16 (Pages 49 to 52)



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<p>1 their office, we have a draw site. So they depend 2 on that draw site being open the hours that we have 3 advertised that we will be open to provide coverage 4 for their patients. 5 So if I close the site, I have the 6 potential of losing business. 7 <b>Q Could you have a--are you aware of a contractual 8 obligation that creates that relationship?</b> 9 A In the physician offices we have a Laboratory 10 Services Agreement that contractually obligates us 11 to provide phlebotomy services. When we-- 12 <b>Q What about the Outreach labs?</b> 13 A The Shelby and Clinton Township, we are obligated to 14 provide phlebotomy services to the physicians in the 15 office, because-- 16 <b>Q Are you aware of a contract that states that though?</b> 17 MR. MIGLIO: Do you want to let her finish 18 the question, finish her answer? 19 MR. FLYNN: Well, I'm trying to figure out 20 specifically "contract." That's what my question is 21 about. 22 THE WITNESS: All physicians sign a 23 Laboratory Services Agreement that we are going to 24 provide services. 25 The physician office, we have a Laboratory</p>	<p>1 contract, so an actual contract like the one you 2 have with the individual physicians. 3 A Right, but if we close-- 4 <b>Q None of that exists for the Clinton Township 5 facility or the Shelby Township facility. Correct?</b> 6 A Correct, but if we close the site, we would lose the 7 business. 8 <b>Q Well, that's all I'm asking. That's all I'm asking. 9 Okay. Well, let me ask you a different question 10 then. Have you ever had a situation where you have 11 lost a physician who is in the same facility as an 12 Outreach lab due to it not being staffed?</b> 13 A We--due to it not being staffed? 14 <b>Q Yeah.</b> 15 A We haven't closed--we don't-- 16 <b>Q Is that a "yes" or a "no"? Have you ever lost 17 business over that?</b> 18 A No. 19 MR. MIGLIO: It's not a "yes" or "no." 20 THE WITNESS: It's not a really-- 21 <b>Q (By Mr. Flynn) Well, you said no. Correct?</b> 22 A It's not--we have not closed a site. We don't--if 23 somebody calls in, I don't close the site. 24 <b>Q What happens if someone just doesn't show up for 25 work though?</b></p>
Page 54	Page 56
<p>1 Service Agreement with what is called an IOP, 2 in-office phlebotomist, that we sign with that 3 physician. 4 For our two sites--and let me just 5 explain, walk you through this a little bit. When 6 we're calling on a prospect to get that business, we 7 sell them on the fact that we have a draw site in 8 the building and the hours that they will be open, 9 so that it's a convenience that patients can go 10 straight from the physician's office to our draw 11 site. 12 <b>Q (By Mr. Flynn) But do you have a contract with the 13 separate physicians in a facility where an Outreach 14 lab is located?</b> 15 So, for instance, do you have a contract 16 at the Clinton Township facility? For instance, do 17 you have a contract with the doctors who are also in 18 that facility? 19 A We don't have a contract. We have an agreement. 20 <b>Q So your answer--okay. Differentiate the two for me.</b> 21 A Okay. We don't have a contract that says in writing 22 that we will never close that site. 23 <b>Q That's what I was asking.</b> 24 A Okay, but that is not--you need to know-- 25 <b>Q Well, my question was specific to a written</b></p>	<p>1 A I get coverage there. I actually covered it myself. 2 <b>Q But there is a period of time in which there is 3 nobody there. Correct?</b> 4 A Correct. 5 <b>Q Have you ever lost business on account of someone 6 not being there?</b> 7 A No, but it has affected the relationship we have had 8 with that account. 9 <b>Q Okay. Can you give me a specific example?</b> 10 A One of the practices in Clinton Township, when 11 somebody was late and we didn't have coverage, they 12 called me to make me aware of it. They weren't 13 happy with it because that means a patient has to 14 come back. 15 <b>Q And who contacted you?</b> 16 A The office manager. 17 <b>Q And what office? What is this person's name?</b> 18 A I can't--I don't know her name right now, but it's 19 Dr. Garafalo's (phonetic) office. 20 REPORTER: Doctor-- 21 THE WITNESS: Garafalo. I can look it up, 22 the spelling. 23 REPORTER: Garafalo? 24 MR. FLYNN: I'll be able to get you the 25 spelling.</p>

17 (Pages 53 to 56)

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<p style="text-align: right;">Page 57</p> <p>1 MR. MIGLIO: We'll get--we don't have to 2 look up things right now. 3 MR. FLYNN: Off the record. 4 <b>Q (By Mr. Flynn) Okay. So when did this conversation</b> 5 <b>take place?</b> 6 A I would have to look in my E-mails. I don't know. 7 I don't recall. 8 <b>Q Do you know about what year?</b> 9 A I really don't. I don't know if it was last year. 10 I can't remember. 11 <b>Q Do you recall what season?</b> 12 A No. 13 <b>Q You can't think of any other instances where that</b> 14 <b>has been the case?</b> 15 A No, not that I can recall right now. 16 <b>Q Now how are these facilities staffed? How many</b> 17 <b>phlebotomists are on call per shift?</b> 18 MR. MIGLIO: Object to the form of the 19 question. 20 THE WITNESS: Yeah. I don't--what do you 21 mean? 22 <b>Q (By Mr. Flynn) Let me back up a little bit.</b> 23 A Yeah. 24 <b>Q Are there even shifts?</b> 25 A What do you mean by "even shifts"?</p>	<p style="text-align: right;">Page 59</p> <p>1 the draw sites? 2 <b>Q Yeah.</b> 3 A Yes. 4 <b>Q Okay. The physicians' offices or the other clinics</b> 5 <b>that you operate in, those might be different</b> 6 <b>though?</b> 7 A Correct. 8 <b>Q So there might be shifts for them?</b> 9 A Well, the Bloomfield one we have different shifts 10 for, but the physician offices, we're there when 11 they're there, so-- 12 <b>Q For the draw locations, I'm just going to refer to</b> 13 <b>Clinton Township, Shelby, Warren, West Bloomfield as</b> 14 <b>"draw locations." Is that correct nomenclature?</b> 15 A Yeah, draw sites. 16 <b>Q Draw sites. So for the Shelby draw site, how many</b> 17 <b>employees are on per shift?</b> 18 MR. MIGLIO: Object to the form of the 19 question. 20 <b>Q (By Mr. Flynn) You can answer.</b> 21 REPORTER: Object to the form? 22 MR. MIGLIO: I object to the form of the 23 question. 24 THE WITNESS: We have two openers and 25 typically two closers, and then in the middle of the</p>
<p style="text-align: right;">Page 58</p> <p>1 <b>Q Are there shifts--so we're going to have this</b> 2 <b>facility open from 8:00 a.m. to noon, so there will</b> 3 <b>be one person, from noon to 4:00 or 5:00 p.m.--</b> 4 <b>Are there shifts where phlebotomists--one</b> 5 <b>phlebotomist leaves and the other one comes on?</b> 6 A Yes. 7 <b>Q Okay. What are the shifts like?</b> 8 A Well, Clinton Township is 7:30 to 5:00, so it's one 9 shift, Monday through Thursday, and 7:30 to 11:30 on 10 Friday, so it's one shift, one person. 11 Shelby Township, we're open from 7:00 to 12 7:00, Monday through Thursday, and 7:00 to 5:00 on 13 Friday. So we have a 7:00 to 3:30 shift. We have a 14 10:30 to 7:00 shift. 15 We have an 8:00 to 4:30 or a 9:00 to 5:30 16 shift. We have--in our other sites, the Warren 17 site, we match the physicians' hours, and it's one 18 site, and one person. 19 West Bloomfield, we match the physicians' 20 hours currently, and so we have one person that 21 starts earlier in the morning, finishes earlier in 22 the evening, and then the other person comes in 23 later and closes. 24 <b>Q So there is really only two that have shifts?</b> 25 A No. Then you have--well, are you just talking about</p>	<p style="text-align: right;">Page 60</p> <p>1 day the openers are still there until 3:30, so 2 somebody might start at 10:00. 3 So there is overlap with the shifts. 4 <b>Q (By Mr. Flynn) So is there always two that are on?</b> 5 A Yes. 6 <b>Q I understand, okay.</b> 7 MR. MIGLIO: When you get to a point, I'd 8 like to take a break, quickly. 9 MR. FLYNN: This is a good time. 10 (At 12:20 p.m., recess taken) 11 (At 12:46 p.m., back on the record) 12 (At 12:46 p.m., Plaintiff's 13 Deposition Exhibit 2 marked) 14 <b>Q (By Mr. Flynn) I have marked Exhibit 2. Exhibit 2</b> 15 <b>are the documents that you provided me earlier</b> 16 <b>today, so we are going to just put those as part of</b> 17 <b>the record.</b> 18 <b>Ms. Bork, you referenced a situation where</b> 19 <b>you had a complaint from a local doctor over the</b> 20 <b>Clinton Township facility. Correct?</b> 21 A Correct. 22 <b>Q Do you recall who was supposed to be scheduled to</b> 23 <b>handle the clinic at that time?</b> 24 A I don't recall. 25 <b>Q Do you recall what happened to the employee who was</b></p>

18 (Pages 57 to 60)

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<p style="text-align: right;">Page 65</p> <p>1 <b>Q And have you granted those requests?</b>  2 A Yes.  3 <b>Q And who can you think of who you have granted that</b>  4 <b>request for?</b>  5 A Shores Primary Care.  6 <b>Q Anyone else?</b>  7 REPORTER: What was that? Shores?  8 THE WITNESS: Shores Primary Care.  9 Women's Health.  10 <b>Q (By Mr. Flynn) Anyone else?</b>  11 A Yeah. Wyandotte Internal Medicine, Wyandotte/Allen  12 Park.  13 <b>Q Anyone else?</b>  14 A Union Lake, I've had them request who not to send.  15 <b>Q And do you recall who that individual was?</b>  16 A I would have to look at my notes.  17 <b>Q So you don't recall?</b>  18 A I don't recall.  19 <b>Q Anyone else that has requested a specific</b>  20 <b>phlebotomist be assigned to a location, including a</b>  21 <b>draw site?</b>  22 A No physician has requested that any specific person  23 be at a draw site that I recall.  24 <b>Q It could have happened. You just can't recall</b>  25 <b>today?</b></p>	<p style="text-align: right;">Page 67</p> <p>1 <b>determining location or shift? So it sounds like</b>  2 <b>it's--</b>  3 A I have--go ahead.  4 <b>Q Yeah, and you were shaking your head, "no," but you</b>  5 <b>didn't really say that verbally, or--</b>  6 A I didn't--you were going to ask me a question.  7 REPORTER: "Any other inputs for  8 determining location."  9 THE WITNESS: No, apart from when you  10 asked me if a physician asks for a certain person.  11 <b>Q (By Mr. Flynn) Okay. So let me clarify, because</b>  12 <b>we've been all over with this line of questions. So</b>  13 <b>first off, correct me if I am wrong, but the inputs</b>  14 <b>are the location where the person lives, the any</b>  15 <b>kind of references that other doctors might give to</b>  16 <b>have the same phlebotomist, the skill level of the</b>  17 <b>phlebotomist, as well as some discussion with the</b>  18 <b>individual phlebotomist themselves. Is that a</b>  19 <b>correct list?</b>  20 MR. MIGLIO: I'll object to the form of  21 the question.  22 THE WITNESS: When you say a specific  23 discussion, what do you mean by that? With the  24 employee?  25 <b>Q (By Mr. Flynn) Conversation with a phlebotomist</b></p>
<p style="text-align: right;">Page 66</p> <p>1 A I don't recall any requests.  2 <b>Q So again, I'm trying to get at the inputs, how you</b>  3 <b>decide between phlebotomists in assigning them their</b>  4 <b>draw site. How do you make that decision overall?</b>  5 <b>What are the inputs to that decision?</b>  6 A Well, where they live, because we keep the east  7 siders on the east side, west siders on the west  8 side, so that dictates where they go if we don't  9 have a shortage.  10 Other than that, like I said, everybody is  11 hired and trained to be able to work at any site.  12 <b>Q But you just said earlier that you might have the</b>  13 <b>more efficient phlebotomists opening, as opposed</b>  14 <b>closing.</b>  15 A No. What I said was that my stronger phlebotomists  16 I have opening at a site. I have strong people  17 closing as well, but what I said, the stronger ones  18 opening at Shelby because it's a very busy site.  19 <b>Q So you do make distinctions between phlebotomists in</b>  20 <b>assigning them their shift or their location.</b>  21 <b>Correct?</b>  22 A Well, I look at what they can handle, and the  23 phlebotomists that are scheduled at Shelby can  24 handle a very heavy workload.  25 <b>Q Any other inputs that you can think of for</b></p>	<p style="text-align: right;">Page 68</p> <p>1 <b>over where they would like to be assigned or what</b>  2 <b>would be in the best interests for Henry Ford in</b>  3 <b>terms of their location?</b>  4 A I don't have a conversation with any employee about  5 where they want to be assigned. They are assigned  6 based on the need.  7 <b>Q Okay, and that's what I'm trying to get at, because</b>  8 <b>if they are all the same skill level, according to</b>  9 <b>you, then how do you tell between phlebotomists</b>  10 <b>where they go to meet the need?</b>  11 A Well, like you said, we look at location, east  12 siders on the east side, west siders on the west  13 side.  14 <b>Q And that's it?</b>  15 A Yeah. I mean, they're all very good.  16 <b>Q Do you ever delegate this task?</b>  17 A What do you mean?  18 <b>Q Do you ever give this task to another subordinate?</b>  19 MR. MIGLIO: Objection as to form.  20 THE WITNESS: To do what?  21 <b>Q (By Mr. Flynn) Set the schedule?</b>  22 A No. The schedules are always approved by me.  23 <b>Q Okay, but do you ever have someone initially put</b>  24 <b>together the schedule?</b>  25 A Yes.</p>

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<p>1 Q Okay. So you mentioned earlier that one of the</p> <p>2 reasons for moving a phlebotomist would be due to a</p> <p>3 patient or client complaint.</p> <p>4 I'm asking you, can you recall any</p> <p>5 specific instances involving moving or transferring</p> <p>6 a phlebotomist due to a patient or client complaint?</p> <p>7 A Yes.</p> <p>8 Q Like who?</p> <p>9 A I don't recall the employee, but one was in Commerce</p> <p>10 Township, a client in Commerce Township.</p> <p>11 Q And that person wasn't discharged? They were just</p> <p>12 moved to a different facility?</p> <p>13 A They ultimately ended up being discharged.</p> <p>14 Q What did they ultimately get discharged for?</p> <p>15 A Attendance issues.</p> <p>16 Q What were the attendance issues?</p> <p>17 A Tardiness.</p> <p>18 Q How often were they tardy?</p> <p>19 A I'd have to look at the file.</p> <p>20 Q Was it more than once?</p> <p>21 A Yes. Oh, yes.</p> <p>22 Q Okay. Was it more than five times?</p> <p>23 A Yes.</p> <p>24 Q Was it more than ten times?</p> <p>25 A Yes.</p>	<p>1 A No. In fact, I'm wrong. The employee was in</p> <p>2 disciplinary action and transferred to another</p> <p>3 division.</p> <p>4 Q Okay. So you decided to move him out of--</p> <p>5 A I didn't move him out.</p> <p>6 Q Who moved him out?</p> <p>7 A She applied for another position.</p> <p>8 Q Okay, before you could discharge them?</p> <p>9 A Uh-huh.</p> <p>10 Q Yes?</p> <p>11 A Yes.</p> <p>12 Q Okay. You mentioned that you had been in this</p> <p>13 position for like five, six years now. Right?</p> <p>14 A It will be six in July.</p> <p>15 Q So in those approximately six years, how many times</p> <p>16 has the Clinton Township facility been under a</p> <p>17 different phlebotomist?</p> <p>18 Maybe a better way of asking the question</p> <p>19 would be how many different phlebotomists have</p> <p>20 worked Clinton Township?</p> <p>21 A Several.</p> <p>22 Q Can you give names?</p> <p>23 A We have CTO requests. We had medical leaves, so we</p> <p>24 had many phlebotomists that covered that site.</p> <p>25 Q Can you think of names?</p>
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<p>1 Q Was it more than 15 times?</p> <p>2 A I don't know, because it's--the disciplinary action</p> <p>3 process is based on number of tardies within certain</p> <p>4 time periods, so--</p> <p>5 Q So it could be anywhere from 10 to 15 perhaps?</p> <p>6 A Perhaps.</p> <p>7 Q At the facility that that employee was at, what</p> <p>8 happened? I mean, was there someone else who was on</p> <p>9 shift as well to cover the facility?</p> <p>10 A No.</p> <p>11 Q So that could have also led to--according to your</p> <p>12 testimony earlier, you had indicated that that could</p> <p>13 lead to you losing business. Correct?</p> <p>14 A Correct.</p> <p>15 Q Did you lose any business because of that?</p> <p>16 A The client was at risk.</p> <p>17 Q Client was at risk? What do you mean by "at risk"?</p> <p>18 A We put them at risk, which means they were</p> <p>19 dissatisfied enough that they could leave.</p> <p>20 Q So there was a complaint issued by that client</p> <p>21 regarding the tardiness of the employee?</p> <p>22 A Correct.</p> <p>23 Q And is that the straw that broke the camel's back,</p> <p>24 so-to-speak? Did that lead to the discharge? Can</p> <p>25 you recall?</p>	<p>1 A Shameeka Johnson, Cher Adams, Denise Goldsmith,</p> <p>2 Deserie Miller.</p> <p>3 REPORTER: First name?</p> <p>4 THE WITNESS: Deserie. D-E-S-E-R-I-E.</p> <p>5 REPORTER: Miller?</p> <p>6 THE WITNESS: Miller. Alicia--</p> <p>7 Q (By Mr. Flynn) This is just at the Clinton</p> <p>8 facility?</p> <p>9 A Yes.</p> <p>10 Q Okay, and I'm sorry for cutting you off. Who was</p> <p>11 the--</p> <p>12 A I think Alicia Estell may have worked there.</p> <p>13 REPORTER: Alicia--</p> <p>14 THE WITNESS: Alicia Estell. E-S-T-</p> <p>15 E-L-L.</p> <p>16 Q (By Mr. Flynn) Anyone else?</p> <p>17 A I'm sure there is.</p> <p>18 Q Natalie Reeser perhaps?</p> <p>19 A Oh, yeah. Yeah. Well, I thought that was a given,</p> <p>20 but--</p> <p>21 Q Can a change in the facility that an individual</p> <p>22 works in, can it ever be permanent?</p> <p>23 A Never permanent.</p> <p>24 Q Why is that?</p> <p>25 A It's not permanent for a number of reasons. You're</p>

23 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 hired--when you are hired, a requirement is being 2 flexible. 3 So I have to be able to move people as I 4 continue to add business, grow the business, to be 5 able to move them to other sites, so nobody is given 6 a permanent location. 7 They may be at a location for a period of 8 time, but they are never--it's never their permanent 9 home. 10 <b>Q Is it fair to say that a degree of who to schedule</b> 11 <b>where and what shift is somewhat subjective?</b> 12 A Yes and no. I mean, if I have physicians that make 13 that request, then it's not, and if I have employees 14 that come to me with certain issues about working 15 with certain people, it's not. 16 So I don't think it's a yes or no. 17 <b>Q Sometimes it can be. Sometimes it might not be?</b> 18 A Right. 19 <b>Q Do you recall anyone requesting that Natalie Reeser</b> 20 <b>be transferred?</b> 21 A That anyone requested? 22 <b>Q Any client or patient?</b> 23 A Requesting that she be transferred? 24 <b>Q Yeah.</b> 25 A No.</p>	<p style="text-align: right;">Page 83</p> <p>1 what you are asking me. 2 <b>Q (By Mr. Flynn) Well, you're the one who decides at</b> 3 <b>the end of the day who is scheduled where and what</b> 4 <b>time. Right?</b> 5 A Correct. 6 <b>Q Has your decision to schedule someone for a specific</b> 7 <b>location or specific shift ever been questioned or</b> 8 <b>countermanded?</b> 9 MR. MIGLIO: I will object to the form and 10 the foundation of the question. 11 <b>Q (By Mr. Flynn) Meaning has anyone said, "No, you</b> 12 <b>can't do that"?</b> 13 A Oh, no. No. 14 <b>Q Do you have the authority to determine who receives</b> 15 <b>a lunch period?</b> 16 A Who--everyone. 17 <b>Q Everyone gets a lunch period?</b> 18 A Yes. 19 <b>Q Okay. It's mandatory. Right?</b> 20 A Correct. 21 <b>Q And how long is the lunch period?</b> 22 A Thirty minutes, unpaid. 23 <b>Q And they can leave the facility if they choose to go</b> 24 <b>someplace else to have their lunch?</b> 25 A Not everyone can. Certain sites we--they can't</p>
<p style="text-align: right;">Page 82</p> <p>1 <b>Q So can employees choose to be transferred?</b> 2 A Transferred if they want to apply for a different 3 position? 4 <b>Q Or if they want to be moved to a different facility</b> 5 <b>in Outreach. Can they request to be transferred?</b> 6 A Well, that's not really a "yes" or "no" either, 7 because if someone, let's say, requested to go to 8 Shores Primary Care, they really couldn't, because a 9 physician has requested a certain person be there. 10 So they could--I mean, people could ask 11 me, "Hey, would it be okay if I--could I ever work 12 at this site," or "If you ever need somebody to work 13 at this site, I'm happy to." That can happen. 14 <b>Q And has the occasion come where you granted such a</b> 15 <b>request?</b> 16 A I don't recall having any requests like that, where 17 they have asked to stay at a certain location. 18 <b>Q Is there any procedure or criteria for granting such</b> 19 <b>a request if it is made?</b> 20 A I don't have a policy or a procedure for that. 21 <b>Q Okay. Has your authority ever been questioned or</b> 22 <b>your decision countermanded regarding transfers?</b> 23 MR. MIGLIO: I will object to the form and 24 foundation for the question. 25 THE WITNESS: What do you--I'm not sure</p>	<p style="text-align: right;">Page 84</p> <p>1 leave the site. 2 <b>Q What sites?</b> 3 A Clinton Township is considered a closed campus site. 4 The other sites where there is multiple people, they 5 do rotating lunches, so there is always coverage. 6 <b>Q So if lunch is mandatory, but you're not--but the</b> 7 <b>phlebotomists at Clinton Township cannot leave the</b> 8 <b>facility--well, let me back up a little bit.</b> 9 You said that it's mandatory that there be 10 30-minute unpaid lunches. Correct? 11 A Correct. 12 <b>Q So if a phlebotomist is at Clinton Township, for</b> 13 <b>instance, you are required to give them a 30-minute</b> 14 <b>unpaid lunch. Right?</b> 15 A Yes. 16 <b>Q Okay. So if they are not eligible for lunches of</b> 17 <b>any kind, aren't you violating the larger system-</b> 18 <b>wide policy?</b> 19 MR. MIGLIO: Object to the form of the 20 question. She has never said that, but go ahead. 21 THE WITNESS: Ask me again. 22 <b>Q (By Mr. Flynn) Okay. Well, you just said that part</b> 23 <b>of Henry Ford, it's a Henry Ford policy, right, that</b> 24 <b>everyone gets mandatory 30-minute unpaid lunches?</b> 25 A Correct.</p>

24 (Pages 81 to 84)



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<p style="text-align: right;">Page 85</p> <p>1 <b>Q So but you said that there is an exception for</b>  2 <b>Clinton Township. Right?</b>  3 A No.  4 MR. MIGLIO: Objection.  5 <b>Q (By Mr. Flynn) They get unpaid 30-minute lunches as</b>  6 <b>well?</b>  7 A Yes.  8 <b>Q Okay. So if an individual is receiving an unpaid</b>  9 <b>30-minute lunch but--well, let me clarify what you</b>  10 <b>said about Clinton Township.</b>  11 <b>You said Clinton Township phlebotomists</b>  12 <b>cannot leave the site. Correct?</b>  13 A Correct.  14 <b>Q So how do you rationalize then on one hand you are</b>  15 <b>required to give them an unpaid lunch, but then on</b>  16 <b>the other hand you are saying, "You have to stay at</b>  17 <b>the site"?</b>  18 MR. MIGLIO: I'll object to the form of  19 the question. Do you want to rationalize what--what  20 is to rationalize? She just explained to you what  21 it was.  22 MR. FLYNN: Can you not put a speaking  23 objection on the record? Just a one-word objection,  24 sounds like form.  25 <b>Q (By Mr. Flynn) So now, Ms. Bork, if the Clinton</b></p>	<p style="text-align: right;">Page 87</p> <p>1 to me and asked me about the situation, and I  2 explained the situation.  3 They looked into it, got back to me and  4 said that that is considered engaged while waiting  5 or some term like that.  6 <b>Q Okay.</b>  7 A So that that is not considered a lunch. I said,  8 "Okay, no problem. I don't know that," and so it  9 was changed.  10 <b>Q So after that Clinton Township phlebotomist, they</b>  11 <b>were required to take an unpaid 30-minute lunch,</b>  12 <b>right, and they could leave the facility to take</b>  13 <b>that unpaid 30-minute lunch?</b>  14 A No, no, not immediately.  15 <b>Q Well, when did that change?</b>  16 A Once H.R.--once we got all the information to H.R.,  17 then we did our research, our time studies for  18 patients, notified patients and clients and then  19 changed it.  20 <b>Q Do you recall when?</b>  21 A No. I don't. Late February, early March maybe.  22 <b>Q Of 2014?</b>  23 A Yes.  24 <b>Q So now this is what I am having a hard time</b>  25 <b>understanding. What exactly did they say? Why was</b></p>
<p style="text-align: right;">Page 86</p> <p>1 <b>Township facility you cannot leave the facility for</b>  2 <b>lunch, how do you rationalize that with the</b>  3 <b>system-wide mandatory unpaid 30-minute lunch policy?</b>  4 MR. MIGLIO: I'll object to the form of  5 the question, and a lack of foundation for it.  6 <b>Q (By Mr. Flynn) Please answer the question.</b>  7 MR. MIGLIO: Go ahead. You can answer.  8 THE WITNESS: Well, it's because of the  9 down time, the significant down time that we have at  10 Clinton Township.  11 <b>Q (By Mr. Flynn) Okay. Elaborate.</b>  12 A Okay. Prior--my knowledge was that as long as  13 somebody had a break to eat, that we were in  14 accordance with policy, and there is significant  15 down time at Clinton Township.  16 It's the slowest site, so there were lots  17 of times where there were hours where there were no  18 patients coming in, so they could take their--well,  19 what I considered the lunch, but not leave the site  20 in case a patient walked in.  21 It was brought to my attention that that  22 is not considered a lunch.  23 <b>Q Okay, and what brought that to your attention?</b>  24 A I got an E-mail from Natalie stating that down time  25 is not considered a lunch, and then H.R. reached out</p>	<p style="text-align: right;">Page 88</p> <p>1 <b>it not considered a lunch to force an employee to</b>  2 <b>stay there during their 30-minute unpaid lunch</b>  3 <b>period?</b>  4 MR. MIGLIO: I will object to the form.  5 Who--what are you asking? Who said what?  6 <b>Q (By Mr. Flynn) Well, you mentioned H.R. discussed</b>  7 <b>the matter with you. Right?</b>  8 A Correct.  9 <b>Q Who with H.R. discussed the matter?</b>  10 A Jill. Jill Hood.  11 <b>Q Jill Hood. Do you recall about when this</b>  12 <b>conversation took place?</b>  13 A End of January.  14 <b>Q And at the end of January, what did Jill Hood tell</b>  15 <b>you?</b>  16 A She told me that that is not considered a lunch,  17 because she asked me if somebody walked in while  18 Natalie was eating, would she have to take care of  19 the patient. I said yes.  20 Then she asked me, if the phone rang,  21 would Natalie have to answer it, and I said yes, and  22 she said, "Well, then that is not really considered  23 a 30-minute uninterrupted break."  24 I said, "Okay, no problem. I wasn't aware  25 of that."</p>

25 (Pages 85 to 88)



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1 Q So after that, is it a fair statement to say that--  
2 okay, well, back up a little bit. Did she explain  
3 why that is not a 30-minute uninterrupted lunch?  
4 A She said it was--I think the term is "engaged while  
5 waiting," or "engaged while working." I don't  
6 recall the exact phrase that she used, but she said  
7 that that--the employee should be able to do a  
8 30-minute uninterrupted break.  
9 Q Did she instruct you as to where that terminology  
10 came from, "engaged while working"?  
11 A No.  
12 Q Or "engaged while waiting"?  
13 A No.  
14 Q Okay. Did she mention the Fair Labor Standards Act?  
15 A No.  
16 Q Did she mention any law of any kind?  
17 A No. She just told me that wasn't correct, that  
18 wasn't--that she had to have a 30-minute  
19 uninterrupted break. I mean, I accept it as truth,  
20 and--  
21 Q So after that you implemented their policy, which is  
22 a 30-minute uninterrupted break. Right?  
23 A No.  
24 Q Why did you not implement their policy? You were  
25 just told by Jill Hood with H.R. that you were to

1 A Well, exactly what we talked about, that she hadn't  
2 been given a 30-minute uninterrupted break.  
3 Q So around late January, you were under the  
4 impression that you have to provide Natalie with a  
5 paid--that you have to pay her for being at the  
6 facility, even if she is eating lunch?  
7 A Correct.  
8 Q About when was this conversation? You said late  
9 January?  
10 A Late January was when it was first brought to my  
11 attention, and then in February we were working on  
12 collecting information.  
13 Q How else did the lunch policy change? Were there  
14 any other changes to the lunch policy around that  
15 time?  
16 A No.  
17 Q Well, describe the procedure for how someone  
18 requests a lunch.  
19 A Well, if they are at a physician site, they go to  
20 lunch when the physician office goes to lunch. At  
21 Shelby they rotate, so we're open 12 hours.  
22 The people who come in first take lunch  
23 first, and they rotate through the staff, so they  
24 get lunches. That's how it works.  
25 Q What about Clinton Township? If someone at Clinton

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1 implement that policy. Correct?  
2 A Correct, but I explained to Jill and to you that I  
3 couldn't do that immediately.  
4 Q And why could you not?  
5 A Because we had to figure out when we could shut the  
6 Patient Service Center down, so we had to do a time  
7 study to see when we had our biggest gaps to close  
8 the site, so that it wouldn't affect patients.  
9 We had to contact the client, the clients  
10 around the area and patients that were coming, that  
11 used to come in at different times to make sure that  
12 they were aware that we would be closed for 30  
13 minutes.  
14 Q When you told Jill Hood this, what did Jill Hood  
15 say?  
16 A She understood that we would need to do that.  
17 Q What else did she say?  
18 A I don't recall, because we were working on getting  
19 Natalie paid for her lunches, so--  
20 Q Did she indicate that you were to be--that you were  
21 required to pay Natalie for any lunch period that  
22 she was forced to stay at the facility?  
23 A Yeah. We went--yes.  
24 Q And what required you to do that, according to Jill  
25 during this conversation?

1 Township needed to take a lunch, how would they go  
2 about it?  
3 MR. MIGLIO: Are you talking about now or  
4 before?  
5 MR. FLYNN: Before.  
6 THE WITNESS: Well, you know what happened  
7 before. I mean, before I knew, before Jill had  
8 contacted me, they would eat at the site.  
9 Q (By Mr. Flynn) After, what would you do?  
10 A After we implemented the change, we close now for 30  
11 minutes.  
12 Q In the meanwhile, what did you do? Did you pay--  
13 A Yes. Natalie was paid for any lunches that she  
14 didn't get.  
15 Q Had you ever had a decision to discipline or  
16 discharge an employee overruled by H.R.?  
17 A H.R. makes all the decisions on disciplinary action  
18 and termination, so they tell me.  
19 Q Well, didn't you say that you were responsible for  
20 disciplining employees?  
21 A I'm responsible for sitting down with the employee  
22 once the disciplinary action has been decided on by  
23 H.R.  
24 Q Who initiates the disciplinary process?  
25 A I do.

26 (Pages 89 to 92)

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<p>1 <b>absence. Right?</b></p> <p>2 A They leave without approval?</p> <p>3 <b>Q Okay, let's back up.</b></p> <p>4 A There's a difference.</p> <p>5 <b>Q Okay. Well, explain the difference to me.</b></p> <p>6 A If I'm contacted by an employee, and they ask me if</p> <p>7 they can leave early, and they don't have coverage,</p> <p>8 it will be denied. I can't leave a site without</p> <p>9 coverage.</p> <p>10 <b>Q So you have got to get coverage. Where would you</b></p> <p>11 <b>search to get coverage?</b></p> <p>12 A Your fellow co-workers.</p> <p>13 <b>Q So it could be anyone at Henry Ford?</b></p> <p>14 A No. Anyone within our department.</p> <p>15 <b>Q Okay. Now I'm getting confused again.</b></p> <p>16 A Okay.</p> <p>17 <b>Q By "department," do you mean the employees who you</b></p> <p>18 <b>manage?</b></p> <p>19 A Correct.</p> <p>20 <b>Q So now how do you separate between someone who is</b></p> <p>21 <b>absent a day versus a No Call/No Show?</b></p> <p>22 MR. MIGLIO: Objection as to the form.</p> <p>23 THE WITNESS: What do you mean by "absent"</p> <p>24 versus No Call?</p> <p>25 <b>Q (By Mr. Flynn) Let's say they tell you that they</b></p>	<p>1 your objection.</p> <p>2 MR. MIGLIO: I did.</p> <p>3 MR. FLYNN: Then I would like an answer.</p> <p>4 MR. MIGLIO: And the objection should put</p> <p>5 you on notice.</p> <p>6 THE WITNESS: Okay. What is your</p> <p>7 question?</p> <p>8 <b>Q (By Mr. Flynn) The question is--</b></p> <p>9 MR. FLYNN: Well, can you read back the</p> <p>10 question?</p> <p>11 REPORTER: Well, we really didn't get very</p> <p>12 far. It says, "If they tell you that..."--it says</p> <p>13 if they--and then you say, "Is this if they said</p> <p>14 they are not going to come in or..."--</p> <p>15 "You're putting a speaking objection on."</p> <p>16 "I'm giving you an opportunity to ask</p> <p>17 a proper question."</p> <p>18 So we really didn't get too far.</p> <p>19 <b>Q (By Mr. Flynn) So my question is, let's say someone</b></p> <p>20 <b>tells you in advance, "I'm not going to be there."</b></p> <p>21 <b>At that point what kind of discipline is it? Is it</b></p> <p>22 <b>Group 1 or Group 2?</b></p> <p>23 MR. MIGLIO: Objection as to the form of</p> <p>24 the question.</p> <p>25 THE WITNESS: If they call me on Monday to</p>
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<p>1 <b>are not going to be there.</b></p> <p>2 A Well, that's not a No Call/No Show. A No Call/No</p> <p>3 Show is they didn't call, they didn't show up.</p> <p>4 <b>Q So if they tell you that they are not going to be</b></p> <p>5 <b>there, that is not a No Call/No Show. What is it?</b></p> <p>6 MR. MIGLIO: Objection as to the form.</p> <p>7 You mean somebody just says, "I'm not going to be</p> <p>8 there," or what? I mean, these are questions I--</p> <p>9 MR. FLYNN: Mr. Miglio, are you going to</p> <p>10 continue coaching the witness?</p> <p>11 MR. MIGLIO: I'm not coaching the witness.</p> <p>12 MR. FLYNN: I'm asking her a question. I</p> <p>13 don't need your answer.</p> <p>14 MR. MIGLIO: I'm giving you the</p> <p>15 opportunity to ask her--</p> <p>16 MR. FLYNN: I need her answer, not yours.</p> <p>17 Put your speaking objection aside.</p> <p>18 MR. MIGLIO: Are you done now?</p> <p>19 MR. FLYNN: Yeah. I'd like an answer.</p> <p>20 MR. MIGLIO: I'm giving you the</p> <p>21 opportunity to ask her proper questions.</p> <p>22 MR. FLYNN: No, no. No, you're giving--</p> <p>23 your trying to hint at--</p> <p>24 MR. MIGLIO: These are all objectionable.</p> <p>25 MR. FLYNN: You're trying--you can place</p>	<p>1 say they can't come to work Wednesday, then usually</p> <p>2 that is a vacation request.</p> <p>3 They put a CTO request in, and they find</p> <p>4 out if there is someone that can cover for them, and</p> <p>5 then we change the schedule and we have that site</p> <p>6 covered. So there it's not--</p> <p>7 <b>Q (By Mr. Flynn) I'm saying that if someone is unable</b></p> <p>8 <b>to work a shift, and they don't let you know that</b></p> <p>9 <b>they are not able to work a shift, but they just</b></p> <p>10 <b>don't bother showing up, you said that that is a No</b></p> <p>11 <b>Call/No Show. Right?</b></p> <p>12 A That is a No Call/No Show.</p> <p>13 <b>Q So when is it not a No Call/No Show?</b></p> <p>14 MR. MIGLIO: Objection to the form of the</p> <p>15 question.</p> <p>16 THE WITNESS: When is it not a No Call/No</p> <p>17 Show?</p> <p>18 <b>Q (By Mr. Flynn) Yeah. Let's say they call.</b></p> <p>19 A Well, they call and they say--they call me this</p> <p>20 morning and say they are not coming to work today</p> <p>21 because they're sick?</p> <p>22 <b>Q Uh-huh.</b></p> <p>23 A Then it's an absence. It's an occurrence.</p> <p>24 <b>Q What is an occurrence?</b></p> <p>25 A Like a demerit. It's an occurrence. It's a</p>

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<p style="text-align: right;">Page 105</p> <p>1 A No, but everybody knew at the time.</p> <p>2 <b>Q And how did they know?</b></p> <p>3 A Through conversation with me.</p> <p>4 <b>Q And what would you tell them?</b></p> <p>5 A They knew that because of the significant down time</p> <p>6 everybody was sitting eating their lunch, and that</p> <p>7 they were staying at that site because we weren't</p> <p>8 closing the site.</p> <p>9 <b>Q Do you recall any specific conversations to that</b></p> <p>10 <b>effect?</b></p> <p>11 A With everybody, everybody that worked there knew</p> <p>12 that. Anybody who was assigned there knew that.</p> <p>13 <b>Q Okay, but anything in particular, any particular</b></p> <p>14 <b>conversation with anyone?</b></p> <p>15 A Everybody that worked there, I addressed that with</p> <p>16 them, because they would have to know that. They</p> <p>17 would have to know to bring a lunch.</p> <p>18 <b>Q Did any of them object to that?</b></p> <p>19 A No.</p> <p>20 <b>Q Now what happens if an employee--so you indicated</b></p> <p>21 <b>that you wouldn't pay employees initially for</b></p> <p>22 <b>working through their lunch until it was brought to</b></p> <p>23 <b>your attention that you couldn't do that?</b></p> <p>24 A Ask me the question again.</p> <p>25 <b>Q So you indicated that you wouldn't pay people for</b></p>	<p style="text-align: right;">Page 107</p> <p>1 <b>Q (By Mr. Flynn) At the time that they were working</b></p> <p>2 <b>these lunches, did you or did you not approve or</b></p> <p>3 <b>deny the request for payment?</b></p> <p>4 MR. MIGLIO: Objection to the form of the</p> <p>5 question.</p> <p>6 THE WITNESS: They were not paid at the</p> <p>7 time.</p> <p>8 <b>Q (By Mr. Flynn) Because you denied it. Right?</b></p> <p>9 MR. MIGLIO: Objection to the form of the</p> <p>10 question.</p> <p>11 THE WITNESS: The only time that the lunch</p> <p>12 periods came up was at the end of January, and I did</p> <p>13 not--they were not paid until I found out from H.R.</p> <p>14 how we were going to handle the payment.</p> <p>15 <b>Q (By Mr. Flynn) So did you ever stop them from being</b></p> <p>16 <b>paid?</b></p> <p>17 MR. MIGLIO: Objection to the form of the</p> <p>18 question.</p> <p>19 <b>Q (By Mr. Flynn) You did payroll. Right?</b></p> <p>20 A I didn't do payroll at that time.</p> <p>21 <b>Q Okay. Well, that's a managerial function. Who did</b></p> <p>22 <b>you delegate that to?</b></p> <p>23 A I never delegated it.</p> <p>24 <b>Q Who did payroll?</b></p> <p>25 A Martha Wiseheart.</p>
<p style="text-align: right;">Page 106</p> <p>1 their lunches that they were forced to work at the</p> <p>2 facility until someone brought it to your attention</p> <p>3 that you were required to do that?</p> <p>4 A No.</p> <p>5 MR. MIGLIO: Objection as to the form of</p> <p>6 the question.</p> <p>7 <b>Q (By Mr. Flynn) You did pay individuals for working</b></p> <p>8 <b>through lunch?</b></p> <p>9 A I never said to anybody--I thought that what we were</p> <p>10 doing was fine, that they got their break and ate</p> <p>11 lunch.</p> <p>12 <b>Q I'm asking whether or not you paid them during that</b></p> <p>13 <b>period of time where you thought that was fine.</b></p> <p>14 A Yes. They were all paid.</p> <p>15 <b>Q And you approved the payment?</b></p> <p>16 A Yes. I had to do the research.</p> <p>17 <b>Q At the time, after the research you approved the</b></p> <p>18 <b>payment?</b></p> <p>19 A Correct.</p> <p>20 <b>Q But at the time you did not approve the payment?</b></p> <p>21 MR. MIGLIO: I will object to the form of</p> <p>22 that question.</p> <p>23 REPORTER: I'm sorry?</p> <p>24 MR. MIGLIO: I'll object to the form of</p> <p>25 the question.</p>	<p style="text-align: right;">Page 108</p> <p>1 <b>Q Okay, but she is in a different department.</b></p> <p>2 A She is in the same department.</p> <p>3 <b>Q So can you ever recall authorizing an employee to</b></p> <p>4 <b>work through lunch?</b></p> <p>5 A Yes.</p> <p>6 <b>Q Who can you recall authorizing that kind of work?</b></p> <p>7 A It depended, in a physician office or even at Shelby</p> <p>8 if we were short or it got really busy and they</p> <p>9 didn't get to take a lunch before they left.</p> <p>10 Everyone was instructed to call me when</p> <p>11 they couldn't take a lunch so that I would know why,</p> <p>12 and they were instructed on how to put it on their</p> <p>13 time card that they didn't get a lunch and that they</p> <p>14 spoke with me.</p> <p>15 <b>Q So they had to request permission in order to get</b></p> <p>16 <b>paid for lunch?</b></p> <p>17 A They had to let me know why they didn't get a lunch,</p> <p>18 because it is mandatory.</p> <p>19 <b>Q Did anyone complain about not receiving a lunch</b></p> <p>20 <b>prior to the changes that were made in January and</b></p> <p>21 <b>February?</b></p> <p>22 A No.</p> <p>23 MR. MIGLIO: Asked and answered. Whenever</p> <p>24 you're ready, I'm ready for a break.</p> <p>25 MR. FLYNN: I would like to get through</p>

30 (Pages 105 to 108)

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<p style="text-align: right;">Page 109</p> <p>1 this line of questioning.</p> <p>2 <b>Q (By Mr. Flynn) So let's say you had a laboratory</b></p> <p>3 <b>employee--and this is before you implemented the</b></p> <p>4 <b>changes to the lunch policy. Let's say you had a</b></p> <p>5 <b>laboratory employee who wanted to request a lunch.</b></p> <p>6 <b>How would they request it?</b></p> <p>7 MR. MIGLIO: Objection as to the form of</p> <p>8 the question.</p> <p>9 THE WITNESS: I'm not sure what you're--if</p> <p>10 they wanted to request a lunch?</p> <p>11 <b>Q (By Mr. Flynn) If they wanted a lunch and they need</b></p> <p>12 <b>to run that by you--right?</b></p> <p>13 MR. MIGLIO: Objection to the form of the</p> <p>14 question.</p> <p>15 THE WITNESS: Why would they need to run</p> <p>16 it by me?</p> <p>17 <b>Q (By Mr. Flynn) Well, because they--what if they</b></p> <p>18 <b>wanted to leave the facility? Don't they have to</b></p> <p>19 <b>run it by you if they leave the facility?</b></p> <p>20 A Which facility?</p> <p>21 <b>Q Okay. Let's say the Clinton Township facility?</b></p> <p>22 A Yes.</p> <p>23 <b>Q So how would someone who worked Clinton Township or</b></p> <p>24 <b>the other ones where there is only one person, how</b></p> <p>25 <b>would they request to leave for lunch?</b></p>	<p style="text-align: right;">Page 111</p> <p>1 So they would have to call to get my</p> <p>2 approval for that.</p> <p>3 <b>Q Who else is in the Clinton Township facility?</b></p> <p>4 A Who else?</p> <p>5 <b>Q Yeah. Who else with Henry Ford is in that facility?</b></p> <p>6 A Physicians?</p> <p>7 <b>Q Not just physicians. I mean people within your</b></p> <p>8 <b>department.</b></p> <p>9 A At any time it could be the courier picking up</p> <p>10 specimens. It could be Luain picking up sales</p> <p>11 material. It could be Maria picking up sales</p> <p>12 material. It could be Martha working at the site.</p> <p>13 <b>Q So is it fair to say that if you are not around for</b></p> <p>14 <b>approval but an employee has one of those other</b></p> <p>15 <b>individuals who is willing to cover for the employee</b></p> <p>16 <b>that that would be acceptable?</b></p> <p>17 A No.</p> <p>18 <b>Q Why is that not acceptable?</b></p> <p>19 A Because Luain and Maria don't draw blood.</p> <p>20 <b>Q But what about Martha?</b></p> <p>21 A Martha doesn't either. She has a lot of</p> <p>22 obligations.</p> <p>23 <b>Q You mean they are not certified to draw blood?</b></p> <p>24 A No. I mean Martha, that's not her job.</p> <p>25 <b>Q But it's not your job either. Right?</b></p>
<p style="text-align: right;">Page 110</p> <p>1 A Clinton Township?</p> <p>2 <b>Q Yeah.</b></p> <p>3 A Call me.</p> <p>4 <b>Q Okay. So you're saying, you are testifying today</b></p> <p>5 <b>that at the time prior to the changes, they would</b></p> <p>6 <b>have to call you?</b></p> <p>7 A Yes, and I would have to arrange coverage.</p> <p>8 <b>Q Okay. What happens if an employee needs to take a</b></p> <p>9 <b>lunch but you are not around for approval?</b></p> <p>10 MR. MIGLIO: Objection as to the form of</p> <p>11 the question. Are you talking about now? Is that</p> <p>12 what you're asking?</p> <p>13 MR. FLYNN: No, back before the changes.</p> <p>14 MR. MIGLIO: That's not what your question</p> <p>15 was.</p> <p>16 THE WITNESS: So you asked me if they</p> <p>17 needed to take a lunch, what would they do. They</p> <p>18 would have to call me, because at Clinton Township I</p> <p>19 would have to set up coverage.</p> <p>20 <b>Q (By Mr. Flynn) Okay. What if they set up coverage</b></p> <p>21 <b>themselves?</b></p> <p>22 A Well, they can't. They have--I'm still involved in</p> <p>23 that process, because if they are asking for</p> <p>24 coverage, they are asking someone to leave a site</p> <p>25 that they are at to cover that.</p>	<p style="text-align: right;">Page 112</p> <p>1 A Correct.</p> <p>2 <b>Q But you've done it?</b></p> <p>3 A Done it where?</p> <p>4 <b>Q You have drawn blood when it was necessary because</b></p> <p>5 <b>someone didn't show up?</b></p> <p>6 A Correct.</p> <p>7 <b>Q Okay. So what rule says that Martha couldn't step</b></p> <p>8 <b>in and draw blood?</b></p> <p>9 MR. MIGLIO: Objection as to the form of</p> <p>10 the question.</p> <p>11 <b>Q (By Mr. Flynn) What policy?</b></p> <p>12 MR. MIGLIO: Same objection.</p> <p>13 THE WITNESS: Martha being at the site</p> <p>14 doesn't mean that she can cover a lunch. Martha has</p> <p>15 a job that requires her to be all over the place.</p> <p>16 <b>Q (By Mr. Flynn) Well, what if she consents? What is</b></p> <p>17 <b>the issue if she consents?</b></p> <p>18 A She would contact me first. We would talk about it.</p> <p>19 <b>Q But let's say you're stuck in meetings.</b></p> <p>20 MR. MIGLIO: Objection as to the form of</p> <p>21 the question. Let's suppose you're stuck in</p> <p>22 meetings? Is that the question?</p> <p>23 <b>Q (By Mr. Flynn) Let's say you're stuck in meetings.</b></p> <p>24 <b>You're saying that it wouldn't be fine for a</b></p> <p>25 <b>phlebotomist just to ask another supervisor or to</b></p>

31 (Pages 109 to 112)

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<p style="text-align: right;">Page 113</p> <p>1 ask another employee, "Could you cover this shift"?</p> <p>2 A No. It's--you need to get approval from your</p> <p>3 supervisor. That is clear to everybody. That has</p> <p>4 always been clear.</p> <p>5 Q Okay. Are you saying that Martha Wisheart has</p> <p>6 never covered for a phlebotomist?</p> <p>7 A I know of one time that she watched the desk.</p> <p>8 Q So why couldn't--why isn't that something that</p> <p>9 people did?</p> <p>10 A There was a requirement to have a TB test read, and</p> <p>11 there is only a certain--you have to have it read</p> <p>12 within a certain amount of time.</p> <p>13 So this person unfortunately didn't plan,</p> <p>14 you know, the way that they should have, to get</p> <p>15 their TB test read when they didn't have to cover</p> <p>16 the site.</p> <p>17 So I was forced to let that person go get</p> <p>18 read at the time. Otherwise they would have to</p> <p>19 repeat the whole thing over again.</p> <p>20 Q And that's a break. Right?</p> <p>21 A It's not a break. They were paid.</p> <p>22 Q Aren't breaks paid?</p> <p>23 A Yeah.</p> <p>24 Q Is there a difference between a break and a lunch</p> <p>25 time, a lunch period at Henry Ford?</p>	<p style="text-align: right;">Page 115</p> <p>1 Q Anyone else?</p> <p>2 A Yeah, Heather Adamo.</p> <p>3 Q Anyone else?</p> <p>4 A Not that I can recall.</p> <p>5 Q And these are all phlebotomists?</p> <p>6 A Correct.</p> <p>7 Q Okay. Let's go through them one at a time.</p> <p>8 Shantae, explain what happened with her.</p> <p>9 A She came to work, signed in, left the job site and</p> <p>10 then came back.</p> <p>11 Q How long was she gone?</p> <p>12 A Thirty-something minutes.</p> <p>13 Q What site was this?</p> <p>14 A Nursing home.</p> <p>15 Q Now you had indicated earlier that people take lunch</p> <p>16 at a nursing home when everyone else takes lunch.</p> <p>17 Right?</p> <p>18 A Not a nursing home. Nursing home we are only there</p> <p>19 from 5:00 a.m. to 9:00 a.m. I said physician</p> <p>20 office.</p> <p>21 Q Oh, I apologize.</p> <p>22 A That's okay.</p> <p>23 Q So what is the lunch policy for nursing homes?</p> <p>24 A They don't get a lunch. It's a four-hour shift.</p> <p>25 Q I see, okay. So she just showed up and left with no</p>
<p style="text-align: right;">Page 114</p> <p>1 A Yes.</p> <p>2 Q What is the difference?</p> <p>3 A A lunch period is a 30-minute unpaid break, unpaid</p> <p>4 period.</p> <p>5 Q Because they're different. Right?</p> <p>6 A They are different.</p> <p>7 Q What is a break?</p> <p>8 A A break is something that happens--it can happen</p> <p>9 throughout the day. You're not allowed to leave</p> <p>10 your work area. It's during working hours. You're</p> <p>11 paid at that time.</p> <p>12 You might like go into a back room or</p> <p>13 something, but you're at your site.</p> <p>14 Q Can you think of a single employee who was</p> <p>15 terminated for taking a lunch break?</p> <p>16 A No.</p> <p>17 Q Can you--you can't think of a single one?</p> <p>18 A No.</p> <p>19 Q Can you think of a single one who was terminated for</p> <p>20 leaving the site to take a lunch break?</p> <p>21 A No. I can think of a couple of employees that were</p> <p>22 terminated for abandoning their job site.</p> <p>23 Q Okay. Who can you think of?</p> <p>24 A Natalie Reeser, Shantae Stewart, Eric Lickteig,</p> <p>25 Stephanie Hope, Rachel Holliman (phonetic).</p>	<p style="text-align: right;">Page 116</p> <p>1 explanation?</p> <p>2 A Yeah. She took her son to the babysitter.</p> <p>3 Q How did you find that out?</p> <p>4 A The nursing home contacted me, let me know that I</p> <p>5 had an employee that left the site. Then I sat down</p> <p>6 with her and asked her what happened, and she was</p> <p>7 honest and told me.</p> <p>8 Q But at the time she didn't tell you about that?</p> <p>9 A No.</p> <p>10 Q Eric, what was his situation?</p> <p>11 A He was upset with co-workers, used an expletive and</p> <p>12 walked out of the site and went to his car, and then</p> <p>13 came back later.</p> <p>14 Q How much later?</p> <p>15 A I don't recall. Maybe it was 30/40 minutes later.</p> <p>16 Q How was his attendance prior to this?</p> <p>17 A Good.</p> <p>18 Q What was the expletive?</p> <p>19 A The "F" word.</p> <p>20 Q What was the disagreement with his co-workers about?</p> <p>21 A It was about the centrifuge and the table that it</p> <p>22 was put on, and where they were going to have the</p> <p>23 table, and he had moved it to a spot he thought was</p> <p>24 more efficient, and his co-workers didn't think so</p> <p>25 and moved it back.</p>

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<p style="text-align: right;">Page 117</p> <p>1 <b>Q That's a silly reason to get into a heated argument,</b> 2 <b>it seems like. So did he ask for permission before</b> 3 <b>leaving?</b> 4 A No. 5 <b>Q He just got up and left?</b> 6 A Uh-huh. 7 MR. MIGLIO: Yes? 8 THE WITNESS: I'm sorry, yes. 9 <b>Q (By Mr. Flynn) What was his position?</b> 10 A Phlebotomist. 11 <b>Q Was anyone else there who was a phlebotomist?</b> 12 A Yes. It was at the Shelby site, so there were four 13 other people there. 14 <b>Q So there was no one else there for Shantae, but</b> 15 <b>there was for Eric?</b> 16 A Correct. 17 <b>Q Stephanie, what was her situation?</b> 18 A She left a patient unattended, went out to the 19 parking lot and took a phone call for an extended 20 period of time, I think maybe 25 minutes as reported 21 by the patient. 22 Also, once I did the investigation with 23 Stephanie, she admitted to that as well. So she 24 left the site, left a patient unattended. 25 <b>Q What was the site?</b></p>	<p style="text-align: right;">Page 119</p> <p>1 <b>Q So how long was she gone?</b> 2 A I believe--I would have to look, but I think it was 3 a couple of hours. 4 <b>Q Wow. Heather, what was her story?</b> 5 A She was at a physician site, and she left to get her 6 hair done and came back. 7 <b>Q How long did that take?</b> 8 A I don't know. I'm sure at least an hour. 9 <b>Q Okay, and again, she didn't ask for permission?</b> 10 A No. 11 <b>Q So none of these folks asked for permission?</b> 12 A No. 13 <b>Q Do you recall whether or not Eric cursed in front of</b> 14 <b>a patient or a client?</b> 15 A Not in front of a client, because it's our Shelby 16 site, and I don't--it wasn't reported that he did it 17 in front of a patient, so-- 18 <b>Q But typically employees, phlebotomists I can't</b> 19 <b>imagine are allowed to curse. Right?</b> 20 A No. 21 <b>Q Now you are giving me big huge eyes over that one.</b> 22 <b>Why is that a big issue?</b> 23 A Well, because--I mean, curse in front of a patient? 24 <b>Q Yeah. Why is that an issue?</b> 25 A I mean, it's disrespectful, and it's not</p>
<p style="text-align: right;">Page 118</p> <p>1 A It was Wyandotte/Allen Park. 2 <b>Q Was that one of the ones that only has one employee?</b> 3 A No. They have two. 4 <b>Q So there was another person who was there?</b> 5 A Yes. 6 <b>Q And Stephanie didn't ask for permission to leave</b> 7 <b>first?</b> 8 A No. 9 <b>Q She just left?</b> 10 A Yes. 11 <b>Q Did she take her lunch?</b> 12 A That day? 13 <b>Q Yeah.</b> 14 A I couldn't tell you. I would have to look at the 15 records. 16 <b>Q She might have. You just don't know?</b> 17 A That is a physician office, so they would have 18 break'd when the physician did, but I couldn't say 19 that day what she did. 20 <b>Q What was Rachel's situation?</b> 21 A She was at the Shelby site and left to go shopping 22 on Black Friday and then came back. 23 <b>Q Ouch. Again, I imagine she didn't ask for approval</b> 24 <b>first?</b> 25 A No.</p>	<p style="text-align: right;">Page 120</p> <p>1 professional. 2 <b>Q So it's a big issue? You don't want that to happen.</b> 3 <b>Right?</b> 4 A No. I don't ever want that to happen. 5 MR. FLYNN: Okay. I'm ready to take a 6 break. 7 (At 2:00 p.m., recess taken) 8 (At 2:13 p.m., back on the record) 9 <b>Q (By Mr. Flynn) I want to follow up regarding an</b> 10 <b>earlier question regarding your personal phone. Who</b> 11 <b>is your provider for your personal phone number,</b> 12 <b>both the land line and your cell phone?</b> 13 A The land line is WOW, and personal cell phone is 14 AT&amp;T. 15 <b>Q We were just--I asked you some questions regarding</b> 16 <b>the details of the other individuals who you say</b> 17 <b>were terminated for job abandonment.</b> 18 <b>You mentioned the attendance of, I think,</b> 19 <b>Shantae. What was Eric's attendance like?</b> 20 A I didn't mention Shantae's attendance. I don't 21 believe you asked me that. You asked me Eric's. 22 <b>Q Oh. Well, what is Shantae's like?</b> 23 A I know that she had had a couple of tardies. I 24 can't remember how many though. 25 <b>Q More than five?</b></p>

33 (Pages 117 to 120)



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<p style="text-align: right;">Page 121</p> <p>1 A I don't know. I would have to look.</p> <p>2 <b>Q Eric, you said he didn't have any tardies or any</b></p> <p>3 <b>attendance issues?</b></p> <p>4 A Not that I recall.</p> <p>5 <b>Q He could have, but you just don't remember today?</b></p> <p>6 A I don't--correct. I don't recall, yeah.</p> <p>7 <b>Q Stephanie? Same question for Stephanie?</b></p> <p>8 A Yeah. I'd have to look to be sure.</p> <p>9 <b>Q You don't remember?</b></p> <p>10 A I don't--nothing stands out, but I don't want to say</p> <p>11 no if that is not correct.</p> <p>12 <b>Q Rachel?</b></p> <p>13 A I don't know.</p> <p>14 <b>Q Heather?</b></p> <p>15 A I don't know. It was long ago, so--</p> <p>16 REPORTER: I'm sorry?</p> <p>17 THE WITNESS: It was long ago, so--</p> <p>18 <b>Q (By Mr. Flynn) Which of these is the most recent?</b></p> <p>19 A I would say Eric and Stephanie would be the two that</p> <p>20 would be the more recent ones.</p> <p>21 <b>Q When were they terminated?</b></p> <p>22 A Probably a couple of years ago.</p> <p>23 <b>Q Since Natalie was terminated, has anyone else been</b></p> <p>24 <b>discharged by you or by H.R. for job abandonment in</b></p> <p>25 <b>your department?</b></p>	<p style="text-align: right;">Page 123</p> <p>1 questions, concerns, then they contact me. It's a</p> <p>2 pretty simple process. It's all electronic, so--</p> <p>3 <b>Q Okay, and when would you do your evaluation relative</b></p> <p>4 <b>to when they do their own?</b></p> <p>5 A There are set time periods, so they--I think it's--I</p> <p>6 don't know if it's May or June. You get an</p> <p>7 E-mail that mid-year reviews are due by a certain</p> <p>8 time, and they get the review form. Mid-year review</p> <p>9 form opens up for the employee to access and</p> <p>10 evaluate their performance.</p> <p>11 Then they send it to me, and I evaluate it</p> <p>12 and send it back to them.</p> <p>13 <b>Q What kinds of things are you evaluating?</b></p> <p>14 A There is different pillars, and there is goals that</p> <p>15 are set, so it depends on the different--there is</p> <p>16 different categories.</p> <p>17 <b>Q So explain what you mean by "pillars" and by</b></p> <p>18 <b>"goals."</b></p> <p>19 A There is goals set at the beginning of the year.</p> <p>20 The company rolls down goals to us as a department</p> <p>21 that we need to meet, and then you have the</p> <p>22 opportunity to set a personal goal if you choose to</p> <p>23 do that.</p> <p>24 The employee does, and then the goals that</p> <p>25 I set are basically--you know, come from upper</p>
<p style="text-align: right;">Page 122</p> <p>1 A No.</p> <p>2 <b>Q Are you aware of other employees who skipped out to</b></p> <p>3 <b>go shopping on Black Friday?</b></p> <p>4 A No.</p> <p>5 <b>Q No, you've never been made aware of other employees</b></p> <p>6 <b>who have done that?</b></p> <p>7 A No.</p> <p>8 <b>Q And you also said that you are responsible for</b></p> <p>9 <b>evaluating performance. Is that--</b></p> <p>10 A Correct.</p> <p>11 <b>Q Again, just wait for me to ask the question.</b></p> <p>12 A Oh, I thought that was your question.</p> <p>13 <b>Q It was, but I always have to leave off with the</b></p> <p>14 <b>question so that it's not confusing and we don't go</b></p> <p>15 <b>back and forth. It's just the way of things</b></p> <p>16 <b>unfortunately.</b></p> <p>17 <b>You said that you are responsible for</b></p> <p>18 <b>performance evaluations of your employees. Right?</b></p> <p>19 A Correct.</p> <p>20 <b>Q What is that process like?</b></p> <p>21 A There is a mid-year review, and the employees</p> <p>22 evaluate their own performance, and they submit that</p> <p>23 to me through the H.R. portal, and then I review</p> <p>24 their performance.</p> <p>25 Then I send it back to them. If they have</p>	<p style="text-align: right;">Page 124</p> <p>1 management, and there are a couple of goals that we</p> <p>2 customize to our own department, like about error</p> <p>3 rates or defect logs, that sort of thing that</p> <p>4 relates to the job that they're doing.</p> <p>5 Then there is categories that--like</p> <p>6 safety. There is HIPAA. There is things like, you</p> <p>7 know, our Standards of Excellence, how people work</p> <p>8 together, the type of work that they do, patient</p> <p>9 interactions, keeping the work place clean, safe</p> <p>10 environment, that sort of thing.</p> <p>11 <b>Q Is there a metric that goes along with this?</b></p> <p>12 A There is a rating system, so--</p> <p>13 <b>Q Could you explain that?</b></p> <p>14 A The rating system? I mean, it's a company rating</p> <p>15 system, so it's--you could get a 2, a 3, a 4, 5. I</p> <p>16 can't remember if there is a 1 or not.</p> <p>17 <b>Q Is there some guidepost to allow you to understand</b></p> <p>18 <b>which number to assign?</b></p> <p>19 A What do you mean?</p> <p>20 <b>Q Like how do you know whether or not someone has</b></p> <p>21 <b>performed at a 5 as opposed to a 4?</b></p> <p>22 A Well, 5 is exemplary performance. It's a leader.</p> <p>23 That is someone that--I mean, a change-maker. That</p> <p>24 is somebody who is--I mean, that is kind of off the</p> <p>25 charts type of performance.</p>

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<p style="text-align: right;">Page 125</p> <p>1 <b>Q How would a phlebotomist ever achieve an exemplary</b>  2 <b>rating like that? What would you be looking for?</b>  3 A I would be looking for no patient complaints,  4 following all policies, no client complaints. I  5 would be looking at phlebotomists that could roll  6 out a new process, like something that changes for  7 the entire organization, like this is a huge safety  8 event that will protect us or protect patients,  9 things like that that could not only save the  10 company money, but it could protect patients.  11 I mean, it's kind of a groundbreaking type  12 of process.  13 <b>Q How often have you awarded a 5 to a phlebotomist?</b>  14 A I don't know that I have, because we haven't had--  15 <b>Q It's kind of hard to reinvent the wheel, so-to-</b>  16 <b>speak, when it comes to phlebotomy, isn't it?</b>  17 A No. I don't think so. I think there is always an  18 opportunity to improve something or to improve a  19 process. I mean, you know, the business that we're  20 in, we're constantly growing our business and  21 looking for better ways or more efficient ways to do  22 things.  23 So I don't think it's impossible. I  24 think, you know, we can always learn something new  25 or different.</p>	<p style="text-align: right;">Page 127</p> <p>1 <b>Q Okay. Is that the only thing that is quantitative?</b>  2 A The number of defects, error rates would be the only  3 thing that they would have control over that is  4 quantitative.  5 <b>Q When you are determining what number to assign, do</b>  6 <b>you compare--do you have a list of quantitative</b>  7 <b>scores, and do you assign a numerical rating based</b>  8 <b>off of those scores?</b>  9 MR. MIGLIO: Objection to the form of the  10 question.  11 THE WITNESS: Give me an example. I'm not  12 sure what you are asking me.  13 <b>Q (By Mr. Flynn) Okay. Well, for instance, you</b>  14 <b>mentioned that error would be a form of quantitative</b>  15 <b>measure. Right?</b>  16 A Correct.  17 <b>Q Well, do you ever take a look at a list of all the</b>  18 <b>errors that were made by which phlebotomist and then</b>  19 <b>divvy up the scores like that?</b>  20 So for instance, someone who had zero  21 would be a 5. Someone who has like 1 or 2 would be  22 a 4. Someone who has 3 or 4 would be--  23 A No, because you are expected to not have errors if  24 you follow all the safety procedures.  25 <b>Q So even that measure on the performance evaluation</b></p>
<p style="text-align: right;">Page 126</p> <p>1 <b>Q Now do you have any input into this process? Like</b>  2 <b>does anyone make recommendations to you about what</b>  3 <b>number to assign, besides the employee themselves?</b>  4 A No.  5 <b>Q And part of this is you subjectively looking at that</b>  6 <b>person's performance and coming up with a numerical</b>  7 <b>score for it?</b>  8 A Correct.  9 <b>Q Is there any portion of the performance evaluation</b>  10 <b>which is based solely on a quantitative measure? Do</b>  11 <b>you understand what I mean by that question?</b>  12 A I don't know what you're asking, no.  13 <b>Q Well, for instance, qualitative would be a</b>  14 <b>description of a person's performance. Right?</b>  15 A Right.  16 <b>Q Quantitative would be this person brings in "X"</b>  17 <b>number of dollars. Right?</b>  18 A Yes.  19 <b>Q Or this person is able to get through this many</b>  20 <b>patients, or this person is able to get this kind of</b>  21 <b>average evaluation from a client. That is a</b>  22 <b>quantitative measure?</b>  23 A Quantitative for a phlebotomist?  24 <b>Q Is there anything quantitative for a phlebotomist?</b>  25 A The goals for error rates is quantitative.</p>	<p style="text-align: right;">Page 128</p> <p>1 <b>is subjective. Correct?</b>  2 A Not really, because if they have errors, then we  3 know about it.  4 <b>Q Right, but I'm saying do you ever assign numbers</b>  5 <b>based off of the number of errors, not just the fact</b>  6 <b>that they have errors?</b>  7 A No.  8 <b>Q Can some errors be more serious than others?</b>  9 A Yes.  10 <b>Q Can you think of an error that was particularly</b>  11 <b>serious?</b>  12 A Drawing the wrong patient.  13 <b>Q Oh, Wow, that is pretty serious. What happened to</b>  14 <b>that person?</b>  15 A They were terminated.  16 <b>Q Obviously you know who Natalie Reeser is. You</b>  17 <b>mentioned her before?</b>  18 A Yes.  19 <b>Q And obviously you supervised her. Correct?</b>  20 A Yes.  21 <b>Q What duration of time did you supervise her?</b>  22 A Well, she left in 2014. I think she started in '11,  23 sometime in '11, 2011, so almost three years.  24 <b>Q Okay.</b>  25 A I don't have her actual file in front of me.</p>

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<p style="text-align: right;">Page 129</p> <p>1 <b>Q About three years. Right?</b>  2 A Correct.  3 <b>Q Where did she work?</b>  4 A Clinton Township.  5 <b>Q So she was never transferred?</b>  6 A What do you mean, transferred?  7 <b>Q Moved to a new location?</b>  8 A No. I'm thinking about--she was trained to work at  9 different sites, and she was scheduled to work at  10 different sites like a lot of people are, but she  11 mainly worked at Clinton Township.  12 <b>Q Okay. Well, that gets me back to a couple of</b>  13 <b>questions ago, maybe a couple of hours ago. You</b>  14 <b>testified that sometimes employees--not sometimes,</b>  15 <b>that employees are expected to be moved around.</b>  16 <b>Right?</b>  17 A They are.  18 <b>Q But do most employees typically stay at one of the</b>  19 <b>facilities for the most part?</b>  20 A Some may for extended periods of time. They could,  21 but they are never assigned a permanent site.  22 <b>Q And why are they--why do they stay at those</b>  23 <b>particular sites for elongated periods of time, as</b>  24 <b>opposed to others?</b>  25 A It just may be that that is the way the schedule is</p>	<p style="text-align: right;">Page 131</p> <p>1 phlebotomists that worked at that site when we had  2 two people there.  3 <b>Q Why was the decision made to reduce it to one?</b>  4 A It was so slow. We just didn't have enough  5 patients, a very slow site.  6 <b>Q What is the closest other facility to that, to the</b>  7 <b>Clinton Township facility?</b>  8 A Shelby Township.  9 <b>Q That's the one with all the people at it?</b>  10 A Correct.  11 <b>Q Now you had testified that there were other</b>  12 <b>facilities that were similarly staffed, correct,</b>  13 <b>where there was only one phlebotomist?</b>  14 A Uh-huh. Yes. Sorry. I was swallowing. Yes.  15 <b>Q Okay. Where are they located relative--what is</b>  16 <b>their closest facility?</b>  17 A You mean where we have one person working at the  18 site? The Southgate one would be Allen Park. St.  19 Clair Shores would be probably Clinton Township.  20 The Warren site would be Clinton Township  21 or Shelby. There really isn't anything close to  22 Commerce. I mean, there is now with West  23 Bloomfield, but there was a time there wasn't.  24 <b>Q Okay. Was Natalie a good employee?</b>  25 A What do you mean by "good"?</p>
<p style="text-align: right;">Page 130</p> <p>1 at that point in time, and we haven't had somebody  2 leave where I needed to make a change, or we haven't  3 added on additional business that required  4 phlebotomy services. It could be a number of  5 things.  6 <b>Q If the status quo is working, why not keep with the</b>  7 <b>status quo? Is that what you're saying?</b>  8 A I don't know if I'm saying that. I don't know that  9 I would say that, status quo, because I've always  10 made it clear to everybody that nobody is assigned a  11 permanent site.  12 So I don't want anybody to ever feel like  13 they are not going to be asked to go elsewhere, work  14 at different sites, because that is not the case.  15 <b>Q When she was there, who else worked at that site?</b>  16 MR. MIGLIO: Objection to the form of the  17 question. I assume you are referring to the  18 Plaintiff. Right?  19 THE WITNESS: Do you mean a phlebotomist?  20 <b>Q (By Mr. Flynn) Yeah.</b>  21 A There was a time we had two people at that site,  22 years back. So I know that Cher has worked there  23 with her, Burjeau (phonetic), Jamil Wilson,  24 Marianne--I can't remember her last name.  25 There were a lot of different</p>	<p style="text-align: right;">Page 132</p> <p>1 <b>Q Was her performance--how would you rank her</b>  2 <b>performance?</b>  3 A As a phlebotomist?  4 <b>Q Yeah.</b>  5 A She was--from what I observed, she was good with  6 patients.  7 <b>Q Anything else you observed about her?</b>  8 A She had a tendency to not follow the rules.  9 <b>Q What rules are you talking about?</b>  10 A We have an Internet use policy that she definitely  11 broke twice--well, I observed her breaking twice.  12 <b>Q And was she disciplined at any time?</b>  13 A I spoke to her about it. It is--it could have been,  14 but I did not discipline her.  15 <b>Q Had she been disciplined prior to her termination?</b>  16 A No.  17 <b>Q How was her attendance?</b>  18 A Her attendance, she wasn't tardy, but she would have  19 last-minute requests to leave, to get the following  20 day off, things like that. She had a lot of  21 requests.  22 <b>Q Do other employees have similar requests?</b>  23 A No.  24 <b>Q Did you grant those requests?</b>  25 A For Natalie? Yeah. I worked around each one that I</p>

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<p style="text-align: right;">Page 141</p> <p>1 Sometimes she gets documents, copies of documents 2 for me when I'm doing a new employee orientation so 3 I don't have to leave the employee. 4 I wouldn't know everything she did that 5 day. 6 <b>Q So then what did you say to Luain when you heard 7 this?</b> 8 A She told me I need to check my E-mail, I needed to 9 check my E-mail. I saw the E-mail. It was 30 10 minutes after Natalie had sent it, and I contacted 11 Jill and asked her, "Can she do this?" 12 <b>Q So you contacted Jill about when?</b> 13 A Right after I got the E-mail. I excused myself. 14 <b>Q So about 1:40?</b> 15 A Probably right around there, and I said, "Can she do 16 this? Because she had no authorization to just 17 close the site down." 18 <b>Q And what did she say?</b> 19 A She said no, she can't, and she said that that would 20 be considered job abandonment and that she was going 21 to contact a couple of people, and she told me that 22 I needed to meet with Natalie and suspend her 23 pending an investigation. 24 So once I was done with the new employee, 25 I drove out to Clinton Township and met with</p>	<p style="text-align: right;">Page 143</p> <p>1 shredded it, and I told her that she was being 2 suspended pending an investigation. I think she 3 asked would she be paid, and I said no, not during 4 the investigation. 5 Then she said that she would be in contact 6 with H.R., that she wouldn't sign anything, because 7 I was going to try to get a statement from her about 8 what she was thinking, that she thought it would be 9 okay to go against the policy. 10 She said she wasn't going to sign 11 anything, and then I had Security come in, and she 12 wanted to collect some things, and she collected 13 some personal items and then she went to grab some 14 Henry Ford property, and she was stopped by Martha 15 and then by Security. 16 I got her key, her badge and phone, told 17 her that she can't be in contact with any HFML 18 employees or clients, and then Security escorted her 19 out. 20 <b>Q And that's it?</b> 21 A She took like two big bags of food out of the site 22 that she said that she had brought, you know, that 23 was her food for her to eat, so that was it. 24 <b>Q Okay. You said that you had a new employee 25 orientation from 12:00 to 3:00. Who was the new</b></p>
<p style="text-align: right;">Page 142</p> <p>1 Natalie. 2 <b>Q And what happened when you arrived?</b> 3 A I had asked Martha Wiseheart to be there. With any 4 suspension I always have another manager there so 5 they can witness the process, and I always contact 6 Security with a suspension. 7 That is just part of the protocol, so I 8 got to the site and I waited until Security got 9 there, and then I went in and asked Natalie why she 10 felt that it was appropriate to leave the site 11 without approval or authorization. 12 Then I told her that she was being 13 suspended. 14 <b>Q When did you get to the facility?</b> 15 A I'm going to say maybe 3:30, around that time. It 16 was in the afternoon. 17 <b>Q Who did you--when did you talk to Martha and 18 Security?</b> 19 A On the way. I called. 20 <b>Q You show up at the facility around 3:30. What 21 happens?</b> 22 A I asked Natalie why she thought that that was 23 appropriate, to leave a site, close a site without 24 authorization. She said she put a sign on the door. 25 I asked her for the sign. She said she</p>	<p style="text-align: right;">Page 144</p> <p>1 employee? 2 A Erica Waters. 3 <b>Q Is she still an employee at Henry Ford?</b> 4 A No. 5 <b>Q What happened with her?</b> 6 A She was a No Call/No Show. 7 <b>Q So job abandonment is different than a No Call/No 8 Show?</b> 9 A Correct. 10 <b>Q Do you have her contact information to this day?</b> 11 A I don't have a phone number. We had to send a 12 registered letter to her, to her address, so the 13 address that I have, I mean, I got the signature 14 that she accepted it, so-- 15 <b>Q Do you know what address that is?</b> 16 A It's in Westland. 17 <b>Q Do you know what happened to her since then?</b> 18 A No. 19 <b>Q Have you spoken with her since she was terminated?</b> 20 A No. 21 <b>Q When was she terminated?</b> 22 A Sometime last year, I think in the fall. Yeah, in 23 the fall, maybe November. 24 <b>Q Was anyone else present with you during that 25 orientation?</b></p>

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<p style="text-align: right;">Page 145</p> <p>1 A Luain was there for part of it. There are several 2 documents that the new employee signs, and I like to 3 have copies made at the time so that the employee 4 gets their copy. 5 I have their signed copy because of the 6 different policies they sign, so they have a copy of 7 what they are signing, and I have a copy of what 8 they signed. 9 <b>Q So prior to February 25th, did you have any--you</b> 10 <b>mentioned that you had several conversations with</b> 11 <b>Jill Hood. Correct?</b> 12 MR. MIGLIO: Objection as to the form of 13 the question. 14 THE WITNESS: I had several conversations 15 with Jill Hood about what? 16 <b>Q (By Mr. Flynn) Natalie Reeser?</b> 17 A Yes. 18 <b>Q When do you recall the first conversation regarding</b> 19 <b>Natalie Reeser?</b> 20 A I don't--there--I don't know which came first. 21 There were a couple of E-mails that Natalie had sent 22 about why she wasn't training new employees, and why 23 she was being rotated, and they were very 24 passive/aggressive E-mails. 25 There was also an E-mail where I had asked</p>	<p style="text-align: right;">Page 147</p> <p>1 review, and she refused to meet with me and said 2 that, you know, she wanted to meet with H.R., and 3 then, I think, sent an E-mail about meeting with me, 4 H.R., and Martha. 5 So I'm not sure like what came first, 6 because there were a couple of things that were 7 happening all within a short amount of time. 8 <b>Q What is the first conversation you can recall with</b> 9 <b>Jill Hood?</b> 10 MR. MIGLIO: About what? Objection as to 11 form. 12 <b>Q (By Mr. Flynn) Regarding Natalie Reeser.</b> 13 A I mean, the first one that comes to mind is the 14 performance review, because she refused to meet with 15 me. 16 <b>Q Well, explain that to me. So the process is, she</b> 17 <b>reviews herself. Then you review her. Then she is</b> 18 <b>given this review. Right?</b> 19 A Correct. 20 <b>Q Okay. What is the remainder of the process?</b> 21 A Well, she is given that review, but with her review 22 there was--and what happens is when--once they 23 review themselves and I review them and I send it 24 back to them, I can't edit it in any way. 25 I had noticed on one of the categories I</p>
<p style="text-align: right;">Page 146</p> <p>1 her about EPIC registrations and wanted to make--it 2 was a reminder. 3 It was sent to her and a couple of other 4 employees about checking the queue and when there 5 is--as well as with the patient, to make sure you 6 are checking the queue and reg'ing patients. 7 She was offended by the E-mail and said 8 that she was doing us a favor. That wasn't part of 9 her job description. 10 <b>Q What is EPIC?</b> 11 A EPIC is the EMR, the Electronic Medical Record. 12 <b>Q Oh, okay.</b> 13 A Yeah. So we have to register patients to make sure 14 that everything crosses over. So it was a very--I 15 mean, it is part of her job description. 16 <b>Q Well, let's slow it down a little bit, because you</b> 17 <b>mentioned a couple of events. The first event that</b> 18 <b>you identified was a rotation?</b> 19 A Correct. 20 <b>Q And that is when you talked to Jill Hood?</b> 21 A What I said was there were a couple of E-mails that 22 I got, so I don't know if I talked to Jill about 23 Natalie with that or if it was I went to the site to 24 Clinton Township. 25 I was going to talk to Natalie about her</p>	<p style="text-align: right;">Page 148</p> <p>1 had given her 2 when she should have had a 3. So I 2 talked to Jill about that. 3 That is one of the reasons I came over to 4 Clinton Township, because I wanted to make sure that 5 Natalie knew it should have been a 3 and not a 2, 6 but I couldn't change it because it wasn't in my 7 in-box. It was in her in-box. 8 <b>Q What was the category that needed to be changed?</b> 9 A I don't recall the category. If you have the review 10 I can tell you which one, but--on the 2013. 11 <b>Q So when would you--</b> 12 <b>(At 2:57 p.m., Plaintiff's</b> 13 <b>Deposition Exhibit 3 marked)</b> 14 <b>Q (By Mr. Flynn) Do you have 3 in front of you?</b> 15 A Yes. 16 <b>Q Is this what you were discussing?</b> 17 MR. MIGLIO: Take a look at it. 18 THE WITNESS: This must be her employee 19 file copy, so it has already been corrected, but I 20 would have to see the one that was in error, because 21 I-- 22 <b>Q (By Mr. Flynn) Well, what did the error pertain to?</b> 23 A It was one of these categories on the annual review. 24 It should have been a 3 instead of a 2. 25 <b>Q Well, do you recall why it should have been a 3?</b></p>

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<p style="text-align: right;">Page 149</p> <p>1 A It was just a typo. It wasn't like I assessed 2 something and changed it. It should have been a 3. 3 <b>Q Let's go through each one of these. So the top one</b> 4 <b>says:</b> 5 <b>"Team member Standards of Excellence."</b> 6 <b>What is that supposed to measure?</b> 7 A Well, there are several Standards of Excellence. 8 There is like ten different ones, so-- 9 <b>Q So this top one is?</b> 10 A "I am committed." 11 <b>Q Oh, I see.</b> 12 A See, these are all team Standards of Excellence, 13 so-- 14 <b>Q So this one deals with whether or not she is</b> 15 <b>committed, and committed to what?</b> 16 A This one is commitment to team members and how well 17 she works within groups. 18 <b>Q And it says that Natalie works well in groups, and</b> 19 <b>these are your comments. Right?</b> 20 A Yes. 21 <b>Q (Reading):</b> 22 <b>"Natalie works well in groups. She</b> 23 <b>asks for ideas, offers her own and maintains</b> 24 <b>good relations with everyone in the group.</b> 25 <b>Natalie is very passionate about her work</b></p>	<p style="text-align: right;">Page 151</p> <p>1 <b>Q And can you give me any examples of where she spoke</b> 2 <b>poorly of a co-worker?</b> 3 A It would be hearsay. I mean, things that have 4 come--that have been told to me by other people, 5 but-- 6 <b>Q Who said what?</b> 7 A There was a rub between Natalie and Deserie Miller. 8 Natalie told me about it. I don't know what the 9 issues were there, so there was a couple of people 10 that trained there that there was some issues with 11 how they got along, so-- 12 <b>Q Did you ever confront Natalie with those specific</b> 13 <b>allegations?</b> 14 A Yes. 15 <b>Q And you mentioned it was from Deserie Miller?</b> 16 A Yes. 17 <b>Q What did she say?</b> 18 A She didn't know why Deserie didn't like her, and she 19 thought maybe she was jealous of her. She didn't 20 quite know. I mean, this is going back awhile, so I 21 always told Natalie just to take the high road. 22 Don't get involved in any gossiping with 23 anybody, talking about anyone. You know, if 24 somebody comes to you to talk about somebody else, 25 just stop them and say, "Hey, why don't we get that</p>
<p style="text-align: right;">Page 150</p> <p>1 <b>and it shines through"?</b> 2 A Yes. 3 <b>Q But you gave her a 3.0 out of 5.0.</b> 4 A "Fully successful." 5 <b>Q What else should she have done differently to get 4</b> 6 <b>or 5?</b> 7 A Be looked at as a leader, as a-- 8 <b>Q How could she be a leader if she is the only one in</b> 9 <b>the clinic?</b> 10 MR. MIGLIO: Could she finish the answer 11 to the question? 12 <b>Q (By Mr. Flynn) How could she be a leader if she is</b> 13 <b>the only one in the Clinton Township facility?</b> 14 A Oh, easily. I mean, we have several co-workers. We 15 all work, you know, for the same team, so she could 16 definitely be a leader. She could, you know--she 17 communicated plenty with everybody that she worked 18 with, so she could-- 19 For instance, we have a zero tolerance for 20 gossip. She could take a leadership role, and if 21 people called her, or if she felt the urge to call 22 to talk about someone, she could stop that. 23 <b>Q So what is gossip in general Henry Ford terms, any</b> 24 <b>time you talk about someone else?</b> 25 A Speaking poorly about a co-worker.</p>	<p style="text-align: right;">Page 152</p> <p>1 other person on the line, and we can all talk 2 together about it?" 3 <b>Q Well, what did you say to Deserie?</b> 4 A Same thing. 5 <b>Q Did you mark--</b> 6 A I said it to everybody. 7 <b>Q Did you lower her performance evaluation?</b> 8 A Pardon me? 9 <b>Q Did she have a lower performance evaluation for</b> 10 <b>these same--</b> 11 A Yeah, absolutely. She had a different evaluation. 12 <b>Q The next one says:</b> 13 <b>"I am positive and responsive."</b> 14 <b>You state:</b> 15 <b>"Natalie is fully accountable for</b> 16 <b>every choice she makes and never seeks to</b> 17 <b>avoid or shift responsibility to someone</b> 18 <b>else. I can trust that she will act</b> 19 <b>decisively, follow through on her</b> 20 <b>commitments and quickly correct any</b> 21 <b>problems. Natalie was sent for additional</b> 22 <b>phlebotomy training due to numerous</b> 23 <b>complaints of bruising and pain."</b> 24 <b>Who complained about her?</b> 25 A Three patients. We talked about it earlier. The</p>

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<p style="text-align: right;">Page 153</p> <p>1 client physician's office manager, and two other 2 patients. 3 <b>Q Okay. Who specifically?</b> 4 A What do you mean, who specifically? The patients' 5 names? 6 <b>Q No, no, the office manager.</b> 7 A The office manager-- 8 MR. MIGLIO: Well, the office manager 9 complained to you? 10 MR. FLYNN: I'm asking a question. You 11 don't get to ask a question right now. 12 MR. MIGLIO: You don't get to ask about 13 patient information. 14 MR. FLYNN: I'm not asking about patient 15 information. Pay attention to the preposition. I'm 16 asking about an office manager. 17 MR. MIGLIO: If the office manager was a 18 patient, it's patient information. 19 MR. FLYNN: No, it's not a patient. She 20 just said it wasn't. 21 THE WITNESS: She was a patient. 22 <b>Q (By Mr. Flynn) She was a patient?</b> 23 A Yeah. She was the third patient. She was one of 24 the three. 25 MR. MIGLIO: So she is not answering it.</p>	<p style="text-align: right;">Page 155</p> <p>1 <b>Q Anything else?</b> 2 A I don't know. I'm not a doctor, so there might be. 3 <b>Q And you're not even certified to be a phlebotomist.</b> 4 <b>Correct?</b> 5 A You don't have to be. 6 <b>Q You don't have to be certified to be a phlebotomist</b> 7 <b>(sic)?</b> 8 A Phlebotomist. 9 MR. MIGLIO: Phlebotomist. 10 <b>Q (By Mr. Flynn) So now let me ask you this. Can</b> 11 <b>bandages, the kind of bandage that you use, bruise</b> 12 <b>someone?</b> 13 A If you put a band-aid on a patient that is on 14 Coumadin or an older patient, their skin is very 15 thin, so where--the points in which the band-aid 16 adheres to the skin could bruise, but not the actual 17 venipuncture site. 18 <b>Q Did anyone complain about the venipuncture site?</b> 19 A Yes. 20 <b>Q Okay, and those are the three people who complained</b> 21 <b>about that?</b> 22 A The three patients, correct. 23 <b>Q Then I'm looking down at the next one that says:</b> 24 <b>"I am innovative."</b> 25 <b>She got 3.0 for this one. You say:</b></p>
<p style="text-align: right;">Page 154</p> <p>1 <b>Q (By Mr. Flynn) (Reading):</b> 2 <b>"She learned a lot from her day of</b> 3 <b>training, including how to finish a lab</b> 4 <b>draw, as well as proper pressure to use</b> 5 <b>after a venipuncture"?</b> 6 A Correct. 7 <b>Q So you sent her for additional training. What</b> 8 <b>resulted from that?</b> 9 A She had a competency check, and there was one 10 remediation, and that was for not applying enough 11 pressure after the draw, which can lead to bruising, 12 and also making sure that she labelled the patient 13 tubes while she was with the patient. 14 So that would allow the patient to put 15 pressure on their arm for long enough while she was 16 labelling tubes. 17 <b>Q Are you aware of other things that can cause</b> 18 <b>bruising?</b> 19 A If a patient is on Coumadin. 20 <b>Q What else?</b> 21 A If somebody digs around, if they go into what they 22 think is the vein and they are on the side of the 23 vein and they start, you know, taking left and right 24 turns in the patient's arm, that can cause bruising 25 as well.</p>	<p style="text-align: right;">Page 156</p> <p>1 "Natalie has made a contribution to 2 positive change. She knows how to 3 communicate the benefits of change to 4 different people and obtain the necessary 5 resources to implement new ideas." 6 <b>What do you mean there?</b> 7 A What I meant there is that communicating the 8 benefits of change to different people, we have had 9 changes within the system, like for instance, the 10 EPIC EMR that was rolled out. 11 We had to change--how to explain this. 12 The portal that we use for orders, we had to 13 interface with EPIC, but the patient record wouldn't 14 cross over if the patient was in--didn't have an 15 MRN, which is a unique identifier for the patient. 16 So that patient would require a 17 registration, and so Natalie and Deserie were sent 18 to train to learn how to register patients, and so 19 Natalie did a very good job registering patients, 20 and you know, if there was any questions, she could 21 answer questions because we had other staff that 22 started to register patients. 23 So it was a change, and I don't know, 24 sometimes with that kind of change it slows down the 25 process, and not everyone could maybe see the</p>

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<p style="text-align: right;">Page 193</p> <p>1 A Luain had contacted me because Natalie had sent this 2 E-mail about why she was being pulled, and she was 3 upset because of all the question marks. 4 So she said she was going to ask Natalie. 5 She didn't understand why she was asking all 6 these--I mean, all these question marks, it's 7 disrespectful. 8 So she told me that she was going to 9 respond to her, and she asked me about the changing 10 the schedule, and I told her it didn't matter where 11 in the rotation Natalie was to train at that site. 12 She could go whatever time she wanted, and that's 13 what she was told. 14 <b>Q Did you have any conversation with Jill Hood about</b> 15 <b>this E-mail?</b> 16 A Not that I recall. I don't know though. 17 <b>Q What was this about? I mean, so why was she being</b> 18 <b>moved to the SPC site?</b> 19 A She wasn't being moved. She was training at the 20 site. We had an employee that resigned, and that 21 employee worked at that site on Saturdays, so she 22 was going to be involved in the Saturday rotation 23 with everybody else. 24 There were many employees that were going 25 to go.</p>	<p style="text-align: right;">Page 195</p> <p>1 foundation for the question. 2 <b>Q (By Mr. Flynn) She talked to the author of the</b> 3 <b>E-mail, the response?</b> 4 MR. MIGLIO: Same objection, to the form, 5 and lack of foundation for the question. 6 <b>Q (By Mr. Flynn) Could you enlighten me why the</b> 7 <b>decision was made not just to say, "Natalie, you're</b> 8 <b>not being pulled"?</b> 9 A No, because everybody was told when they were hired 10 that we work Monday through Saturday, and they would 11 be involved in the Saturday rotation. So it wasn't 12 anything different than what they were hired to do. 13 <b>Q Had this happened in the past?</b> 14 A No. This was a site that we had, a person that had 15 covered it-- 16 <b>Q So it hadn't happened in the past?</b> 17 A What do you mean? 18 <b>Q Had there been a rotation that everyone was required</b> 19 <b>to go to a training for in the past?</b> 20 A Yes. 21 <b>Q Or was this--</b> 22 A When they are first hired, they go to different 23 sites to train, because they have to be ready to go 24 to any site. 25 <b>Q But what was this specifically about, the SPC</b></p>
<p style="text-align: right;">Page 194</p> <p>1 <b>Q Is this what you were referring to earlier, about</b> 2 <b>the Saturday rotation?</b> 3 A Correct. 4 <b>Q So did anyone indicate to Natalie that she wasn't</b> 5 <b>being pulled from Clinton Township?</b> 6 A She wasn't. 7 <b>Q Did anyone indicate that to Natalie?</b> 8 A Yeah. It's--she knew. It was either E-mail or 9 conversation, that the reason everybody was being 10 rotated--and the schedule went out to everybody that 11 was going to be added to the Saturday rotation. 12 Tanisha had left, so we needed to have 13 more people in the Saturday rotation. Everyone 14 went. It was on the east side. 15 <b>Q And so can you actually recall the specific E-mail</b> 16 <b>or specific conversation where it was announced to</b> 17 <b>everyone that there is going to be this training?</b> 18 A I don't know when it went out. I don't know. 19 Everybody knew that Tanisha had left and that we 20 were adding people to the Saturday rotation. 21 I don't recall exactly when people were told or how. 22 <b>Q Why wasn't the response just to reassure Natalie</b> 23 <b>that she wasn't being pulled from the Clinton</b> 24 <b>Township site?</b> 25 MR. MIGLIO: Objection to the form and</p>	<p style="text-align: right;">Page 196</p> <p>1 <b>training? How is this different than that training?</b> 2 A Tanisha resigned, and she worked most of the 3 Saturdays, so we had to get phlebotomists trained at 4 that site so that they could work the Saturdays that 5 Tanisha used to work. 6 <b>Q So I guess I'm wondering--so was the decision made</b> 7 <b>to just rotate people through that position?</b> 8 A They were rotating to train so that they could work 9 on a Saturday at that site. We were going to add 10 people to the rotation, because Tanisha wanted to 11 work almost every Saturday, so we had to cover. 12 They are open every Saturday, so we had to 13 have enough people to rotate through SPC to train to 14 know how to work there on Saturday. 15 <b>Q Okay. So I guess what I'm still not understanding</b> 16 <b>is, you're saying that there was this training day</b> 17 <b>that was planned so that you could have everyone</b> 18 <b>working there--</b> 19 A No, no, no, not the same--are you asking the same 20 day? 21 <b>Q Yeah.</b> 22 A No, no. They wouldn't train there the same day. 23 They can't have all that--everybody there on one 24 day. 25 <b>Q Okay. So they're breaking up training, and everyone</b></p>

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1 I mean, you and I talked about it today. You asked  
2 me questions about it, but I've never talked to  
3 anybody about the State.  
4 **Q You never talked to Jill Hood about it. You haven't**  
5 **talked to John about it?**  
6 **A No.** I didn't know anything about the State until  
7 after Natalie was gone, after she walked out.  
8 **Q Okay. You can put it to the side.**  
9 **(At 5:21 p.m., Plaintiff's**  
10 **Deposition Exhibit 16 marked)**  
11 **Q (By Mr. Flynn) So this is Exhibit 16. Let me know**  
12 **when you are done reviewing it.**  
13 **A (Witness complied).**  
14 **Q This is an E-mail dated February 24, 2014, at 2:02**  
15 **p.m. from yourself. Is that correct?**  
16 **A Correct.**  
17 **Q And it's to a whole bunch of people. I imagine**  
18 **these are all of your employees?**  
19 **A Yes.**  
20 **Q And the subject line says, "Lunch," and it says it's**  
21 **of high importance. Right?**  
22 **A Correct.**  
23 **Q What led to this E-mail?**  
24 **A We were going to be going to Kronos in June, and so**  
25 **at the time when we were told about Kronos, there**

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1 wasn't a way to indicate a lunch hour.  
2 So I asked everyone to prepare them for  
3 that change to get used to sending an E-mail,  
4 signing in and signing out for lunch, because the  
5 Kronos system didn't accommodate that.  
6 **Q And it says when you take--**  
7 **REPORTER: Spell that for me, please.**  
8 **THE WITNESS: Kronos, K-R-O-N-O-S.**  
9 **Q (By Mr. Flynn) It says here:**  
10 **"When you take your lunch please send**  
11 **an email that you are signing out for lunch**  
12 **and when you return from lunch please send**  
13 **an email indicating that you are back from**  
14 **lunch."**  
15 **A Correct.**  
16 **Q So this is a change in policy for the phlebotomists,**  
17 **change in the past from what you did?**  
18 **A Yeah.** They didn't have to sign in or out when they  
19 were taking their lunch.  
20 **Q Okay. Where in this E-mail does it say that they**  
21 **have to get approval from you?**  
22 **A For what?**  
23 **Q To go on lunch?**  
24 **A I'm not sure why you're asking me that. We talked**  
25 **about this.**

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1 **Q I'm asking you a question--**  
2 **A The lunches--**  
3 **Q Is there anything in the E-mail that indicates that**  
4 **they would have to get your approval before signing**  
5 **out?**  
6 **A No.**  
7 **Q So they could just sign out via E-mail, and then**  
8 **they would just sign back in. Correct?**  
9 **A Correct.**  
10 **Q And you mentioned this earlier, what a full**  
11 **occurrence was. It's just a--it's a tardy point.**  
12 **Right?**  
13 **A Yeah.**  
14 **Q Once you get so many of them--**  
15 **A You go to a certain level of discipline.**  
16 **Q Okay. So--okay. You can put that to the side.**  
17 **(At 5:24 p.m., Plaintiff's**  
18 **Deposition Exhibit 17 marked)**  
19 **Q (By Mr. Flynn) Now do you see the E-mail that is on**  
20 **the first page from Reeser to yourself and Luain?**  
21 **A Yes.**  
22 **Q And it's dated February 25th at 12:27 p.m. Do you**  
23 **see that?**  
24 **A I do.**  
25 **Q Do you recall ever responding to this?**

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1 **A I did respond later in the day.**  
2 **Q About when did you respond?**  
3 **A It was after I was done with the new employee, I**  
4 **would assume, because that is the day I was training**  
5 **the new employee from 12:00 to 3:00, so--**  
6 **Q So you responded later on?**  
7 **A Yes.**  
8 **Q Did you respond in any other way, other than E-mail?**  
9 **A No.**  
10 **Q Did you call her?**  
11 **A No.**  
12 **Q You can put that aside.**  
13 **(At 5:26 p.m., Plaintiff's**  
14 **Deposition Exhibit 18 marked)**  
15 **Q (By Mr. Flynn) This is 18. Do you have 18 in front**  
16 **of you, ma'am?**  
17 **A Oh, yes.**  
18 **Q Do you recall seeing this E-mail?**  
19 **A Yes.**  
20 **Q You are one of the recipients. Correct?**  
21 **A I am.**  
22 **Q And it's dated once again February 25th, and it's**  
23 **12:50 p.m.?**  
24 **A Correct.**  
25 **Q It said:**

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<p style="text-align: right;">Page 253</p> <p>1 "I would also like to know if you 2 moving me is just temporary or a 3 permanent move." 4 Do you see that? 5 A I do. 6 Q What was your response to that? Did you respond? 7 A I did. 8 Q Is it the same response that you indicated just a 9 second ago? 10 A Yes. 11 Q And what was your response? 12 A She was covering Julisa's CTO. 13 Q Okay. You can put that aside. 14 (At 5:27 p.m., Plaintiff's 15 Deposition Exhibit 19 marked) 16 Q (By Mr. Flynn) So this is Exhibit 19. Do you 17 recall seeing this E-mail? 18 A Yes. 19 Q And you saw it at the time? 20 A No. 21 Q You didn't see this on the 25th? 22 A Oh, on the 25th, but not at 1:12. 23 Q When did you see it? 24 A Around 1:40 when Luain came and got me and told me 25 to check E-mail.</p>	<p style="text-align: right;">Page 255</p> <p>1 regarding the subject earlier in the day on February 2 25th? 3 MR. MIGLIO: What are you referring to? 4 MR. FLYNN: I'm looking at the E-mail I 5 just asked her about, which is on page 1. It's 6 Bates number HFH 112. 7 THE WITNESS: I do not--she sent it at 8 12:27. 9 Q (By Mr. Flynn) Yeah. 10 A So I didn't see this at that time. 11 Q No. I'm saying that was there any communication 12 that led to this E-mail that you are aware of? 13 A I don't know. 14 Q Okay. 15 A I don't know. 16 Q You don't recall? 17 A She is asking about HFC, so she had the schedule, 18 and that is where she was scheduled to work and 19 train, so-- 20 Q Then if you look at Exhibit 18, was there any 21 communication between you and her that led her to 22 think that there was going to be a move? 23 MR. MIGLIO: Objection to the form and 24 lack of foundation. 25 THE WITNESS: I don't--</p>
<p style="text-align: right;">Page 254</p> <p>1 Q So now back up one more--actually two more E-mails, 2 so back up to 17. So 17, I'm looking at that. This 3 looks like she is following up from an earlier 4 E-mail message. What is she following up from? 5 MR. MIGLIO: Object to the form of the 6 question. 7 THE WITNESS: What E-mail are you asking 8 about? 9 Q (By Mr. Flynn) I'm looking at the E-mail that we 10 just talked about, 12:27 p.m. 11 A About why she's not training? 12 Q Yeah. 13 MR. MIGLIO: What E-mail-- 14 Q (By Mr. Flynn) It looks like there was some kind of 15 communication between yourself, whether that be in 16 person, telephone, E-mail, regarding this subject? 17 A That was later in the day. It was like 3:00 or 18 something. 19 Q What about--was anything said about this earlier 20 that day? 21 MR. MIGLIO: I'm going to object. I don't 22 understand the question. 23 THE WITNESS: I don't know what you're 24 asking. 25 Q (By Mr. Flynn) Was there any communication</p>	<p style="text-align: right;">Page 256</p> <p>1 Q (By Mr. Flynn) That you are aware of. 2 A I don't know what--you are asking me if she was 3 going to-- 4 Q She is referring to it is either going to be a 5 temporary or permanent move. Do you see that? 6 A I do. 7 Q What led her to think that there was even going to 8 be a move? 9 MR. MIGLIO: Objection to the form and 10 lack of foundation. 11 Q (By Mr. Flynn) That you are aware. Was there 12 anything-- 13 A A schedule. 14 Q The schedule? 15 A The schedule went out. 16 Q When did the schedule go out? 17 A February 18th. 18 Q So you are saying that she waited several days in 19 order to discuss the matter with you? There were no 20 other communications about this? 21 A Not that I recall. 22 Q It could have been. You just don't remember? 23 A I think there is an E-mail where she asked--there 24 might be another one in your packet. 25 (At 5:31 p.m., Plaintiff's</p>

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1 suspended?

2 A No.

3 Q In fact, it looks like there is a signature on page  
4 2 of 3?

5 A There is.

6 Q So you have to sign the E-mail?

7 A This one I requested a signature on so that--yeah,  
8 because of the time sheets and the legal documents.

9 MR. FLYNN: Okay. I think that's it then.

10 I'm done with you.

11 THE WITNESS: Okay.

12 MR. FLYNN: Thank you for your time.

13 THE WITNESS: You're welcome.

14 MR. MIGLIO: I will bring a protective  
15 order, and I will give you--what did you want, her  
16 home phone number, her home address. What else?

17 MR. FLYNN: Her personal cell phone, home  
18 phone number, address.

19 (At 6:18 p.m., witness excused and  
20 deposition concluded)

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1 CERTIFICATE OF COURT REPORTER

2  
3 STATE OF MICHIGAN )

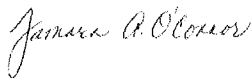
4 )

5 COUNTY OF OAKLAND )

6  
7  
8 I certify that this transcript, consisting  
9 of 286 pages, is a complete, true and correct record  
10 of the testimony of Fiona Bork held in this case on  
11 Monday, March 16, 2015.

12 I also certify that prior to taking this  
13 deposition Fiona Bork was duly sworn to tell the  
14 truth.

15  
16 3/20/15



17  
18 Date TAMARA A. O'CONNOR  
19 CSMR 2656, CER 2656  
20 2385 Jakewood Drive  
21 pz West Bloomfield, Michigan 48324

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